

**Agenda****Environmental Protection  
Commission**

April 19, 1999

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

**Public Participation**

10:30 A.M.

**Agenda topics**

- |     |  |   |
|-----|--|---|
| 1.  | Approve Agenda   |   |
| 2.  | Approve Minutes of March 15, 1999  |   |
| 3.  | Director's Remarks - Introduction of New Staff   | Paul Johnson                            |
| 4.  | Monthly Financial Status Report  | Linda Hanson (Information)              |
| 5.  | Monthly Reports  | Mike Valde (Information)                |
| 6.  | Contract for Maintenance of SPARS  | Mike Valde (DECISION)                   |
| 7.  | Notice of Intended Action--Chapter 64, Stormwater Permits  | Mike Valde (DECISION)                   |
| 8.  | Nonpoint Source Pollution Control Project Contract - Nitrogen Management Insurance Program           | Mike Valde (DECISION)                   |
| 9.  | Clean Water State Revolving Fund - Intended Use Plan FY 1999   | Mike Valde (DECISION)                   |
| 10. | Notice of Intended Action--Chapters 4, 5 and 6, Agency Procedure for Rule Making; Declaratory Orders | Mike Valde (DECISION)                   |
| 11. | Referrals to the Attorney General<br>a) Harold Unternahrer   | Mike Valde (DECISION)                   |
| 12. | TMDL Update  | Lyle Asell and Mike Valde (Information) |
| 13. | Legislation Update   | Kathleen Moench (Information)           |
| 14. | General Discussion   |   |
| 15. | Address Items for Next Meeting   |   |

**Next  
Meeting  
Dates**

May 17, 1999  
June 21, 1999  
July 19, 1999

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, April 19, 1999

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Leo Russell	City of Webster City	Webster City
DANNY VEST	GROWMARK	Bloomington, IL
Deb Gul	LFB	Darmstadt
Jane McAllister	Aulers Law	DSM
Elizabeth Hender	IDEO	DSM
Cathy Woollums	MidAmerican Energy	Davenport
Perry Beeman	DM Register	DM
Robin Farney	MidAmerican Energy	DM
Rick Kelley	UHL	DM
ELLIOTT SMITH	ABL	DSM
CHRIS GRUENHAGEN	FB	WDSM

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Carders initials JS  
CN JUN 1999

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**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**APRIL 19, 1999**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, April 19, 1999, in the Wallace State Office Building, Des Moines, Iowa.

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### MEMBERS PRESENT

William Ehm, Chair  
Randal Giannetto (arrived 11:20 a.m.)  
Rozanne King  
Dean McWilliams  
Charlotte Mohr, Secretary  
Kathryn Murphy  
Gary Priebe  
Terrance Townsend, Vice-Chair  
Rita Venner

Chairman Ehm reported that Randal Giannetto phoned to say he had a conflict and would be late to the meeting.

### ADOPTION OF AGENDA

*Motion was made by Rozanne King to approve the agenda as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

### APPROVAL OF MINUTES

*Motion was made by Charlotte Mohr to approve the meeting minutes of March 15, 1999, as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

APPROVED AS PRESENTED

### DIRECTOR'S REPORT

Paul Johnson, Director, informed the Commission of EarthWeek activities the department has planned involving the Governor.

Paul Johnson, Director, stated that it is Earth Week and there will be a series of events all week celebrating the progress made as a state and also recognizing some of the challenges still ahead. He noted that the Governor, in his press conference this morning, spoke about the importance of water quality monitoring and better organization of the monitoring system that we now have. Director Johnson stated that the department, in the next couple of weeks, will begin to take a look at the progress that we have made as a state in our resources, assessing where we have come from and where we are today. He related that the department will work with Iowans to help set some goals on where to go next. He noted that out of that effort will come something like a State-of-the-State in our natural resources. Director Johnson said he would like to get the people of Iowa to begin assessing their home place.

<b>INFORMATIONAL ONLY</b>
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### **FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

Attached is the division operations budget status report as of 3/31/99. Except for the Parks and Forestry divisions, all are under budget as of 3/31/99.

The Parks actual as of 3/31/99 includes \$126,724 in SPOC retirement costs which were not included in the division's appropriation. A \$200,000 supplemental request is being considered by the 1999 General Assembly to cover these costs. This projection assumes that appropriation will be approved. If not approved, the deficit as of 3/31/99 would be increased by \$126,724.

At the meeting we would like to discuss the content and frequency of future Financial Status Reports. Changing from a monthly to a quarterly report seems desirable.

### **Iowa Department of Natural Resources Monthly Operations Budget Status Report 3/31/99**

Budget Unit	FY 98 Actual	FY 99 Budget	Estimated Spent thru March	Actual Spent thru March	Variance Under(Ovr)
1. Director's Office / Information and Education	1,903,785	2,224,453	1,560,030	1,489,075	70,955
2. Administrative Services Division	5,590,432	5,971,145	4,242,025	3,960,177	281,848
3. Parks, Recreation and Preserves Division	9,591,489	9,774,283	6,775,104	7,012,519	(237,415)
4. Forests and Forestry Division	2,861,695	3,101,789	2,233,555	2,238,367	(4,812)
5. Energy and Geological Resources Division	3,797,839	5,099,220	3,475,307	2,638,013	837,294
6. Environmental Protection Division	17,646,726	21,562,618	15,083,097	13,291,137	1,791,960

7. Fish and Wildlife Division	20,508,662	21,439,730	15,365,801	15,352,341	13,460
8. Waste Management Assistance Division	1,524,107	1,599,444	1,098,060	883,793	214,267
	<b>63,424,735</b>	<b>70,772,682</b>	<b>49,832,978</b>	<b>46,865,422</b>	<b>2,967,556</b>

### 1. Director's Office/Information and Education

Budget Unit	FY 98 Actual	FY 99 Budget	Estimated Spent thru March	Actual Spent thru March	Variance Under(Ovr)
<b>Director's Office</b>	324,358	286,970	202,862	265,838	(62,976)
Permit Compliance Team	150,082	180,494	129,513	113,000	16,513
REAP Program	43,583	40,000	26,128	9,238	16,890
Policy Coordination	24,350	99,676	71,211	31,216	39,995
Total Director's Office	<b>542,373</b>	<b>607,140</b>	<b>429,715</b>	<b>419,292</b>	<b>10,423</b>
<b>Information &amp; Education Bureau</b>					
I&E General Operations	468,958	495,622	348,553	359,089	(10,536)
Conservationist Magazine	314,335	389,372	268,749	259,246	9,503
Education Center Programs	177,629	202,238	143,341	142,316	1,025
Aquatic Education	274,745	292,685	203,449	151,049	52,400
Fish and Wildlife Information	23,300	13,111	9,394	8,505	889
Energy Information	44,341	73,684	52,034	41,713	10,321
Groundwater Education	3,800	15,000	12,380	3,953	8,427
Waste Mngt Information	0	37,668	26,989	18,520	8,469
319 Planning Information	12,755	41,930	29,952	46,350	(16,398)
Air Quality Title 5 Information	31,898	48,003	30,635	34,088	(3,453)
Education Workshops	4,442	8,000	4,838	4,337	501
Outdoor Learning	5,143	0	0	617	(617)
Hooked on Fishing	66	0	0	0	0
Total I & E Bureau	<b>1,361,412</b>	<b>1,617,313</b>	<b>1,130,315</b>	<b>1,069,783</b>	<b>60,532</b>
Total Director's Office/Info & Ed.	<b>1,903,785</b>	<b>2,224,453</b>	<b>1,560,030</b>	<b>1,489,075</b>	<b>70,955</b>

### 2. Division Administrative Services Division

Budget Unit	FY 98 Actual	FY 99 Budget	Estimated Spent thru March	Actual Spent thru March	Variance Under(Ovr)
State Central Services & Indirect	96,865	100,943	100,918	104,793	(3,875)
Budget and Finance Bureau	1,150,742	1,213,845	815,713	790,360	25,353
Administrative Services Bureau	1,395,968	1,548,590	1,100,092	961,818	138,274
Central Data Processing Bureau	874,571	824,278	594,183	588,956	5,227
Licensing Bureau	379,463	478,004	332,390	283,573	48,817
Construction Services Bureau	1,013,715	1,073,769	769,109	758,057	11,052
CSB-Park Road Design	87,484	59,464	42,606	46,825	(4,219)
Land Acquisition & Mngt Bureau	486,363	517,255	370,502	344,326	26,176
Division Mngt & Misc.	105,261	118,119	84,862	77,591	7,271
Special Training & Technology	0	36,878	31,650	3,878	27,772
Total Administrative Services	<b>5,590,432</b>	<b>5,971,145</b>	<b>4,242,025</b>	<b>3,960,177</b>	<b>281,848</b>

### 3. Parks, Recreation and Preserves Division

Budget Unit	FY 98 Actual	FY 99 Budget	Estimated Spent thru March	Actual Spent thru March	Variance Under(Ovr)
Parks Field Management	266,795	289,297	193,293	214,976	(21,683)
NW District Parks Operations	1,996,471	2,035,574	1,387,314	1,437,960	(50,646)
NE District Parks Operations	1,871,776	1,905,260	1,302,161	1,319,617	(17,456)
SE District Parks Operations	2,211,805	2,267,503	1,554,185	1,589,473	(35,288)
SW District Parks Operations	2,015,040	2,056,581	1,409,193	1,493,721	(84,528)
Parks & Preserves Prms & Mngt	703,158	717,020	500,350	518,842	(18,492)
Endangered Species Grants	6,000	32,000	19,200	43,079	(23,879)



Preserves Grants	8,000	16,000	9,600	16,000	(6,400)
DED Parks Grants	35,868	30,000	21,353	18,308	3,045
DED Trails	4,272	38,770	29,176	36,694	(7,518)
Trail Development Grants	35,580	3,282	2,352	4,469	(2,117)
Historical Grant	0	0	0	1,558	(1,558)
Total Development Grants	75,720	72,052	52,881	59,471	(6,590)
Cedar Rock	146,968	140,166	94,702	83,599	11,103
Division Management & Misc.	136,440	129,113	92,607	100,925	(8,318)
Special IT Project	0	38,717	32,893	0	32,893
SRF Loan Repayment	7,928	75,000	0	6,574	(6,574)
Ranger SPOC Retirement	145,388	0	126,724	126,724	0
Total Parks Division	9,591,489	9,774,283	6,775,104	7,012,519	(237,415)

#### 4. Forests and Forestry Division

Budget Unit	FY 98 Actual	FY 99 Budget	Estimated Spent thru March	Actual Spent thru March	Variance Under(Ovr)
Forest Nursery Production	562,259	660,769	486,162	532,893	(46,731)
Forest Nursery Services	94,367	102,752	73,411	73,743	(332)
Shimek Forest	217,374	239,187	169,172	165,834	3,338
Stephens Forest	179,317	180,692	128,191	129,611	(1,420)
Yellow River Forest	235,513	255,706	180,941	173,317	7,624
Loess Hills Forest	171,520	170,027	119,823	131,852	(12,029)
Nursery & Forests Management	144,754	160,823	117,391	98,290	19,101
Farm Forestry Services	765,351	835,555	599,095	563,761	35,334
Trees For Kids Video	11,642	0	3,356	3,407	(51)
Trees For Kids Project	34,974	30,000	20,280	15,889	4,391
Forestry Services Management	331,063	311,136	222,438	231,910	(9,472)
Division Management	113,561	129,700	95,752	117,860	(22,108)
Special IT Project	0	25,442	17,543	0	17,543
Total Forests & Forestry Division	2,861,695	3,101,789	2,233,555	2,238,367	(4,812)

#### 5. Energy and Geological Resources Division

Budget Unit	FY 98 Actual	FY 99 Budget	Estimated Spent thru March	Actual Spent thru March	Variance Under(Ovr)
Energy Bureau:					
Biomass	79,721	81,620	59,132	36,284	22,848
SIFIC A	49,169	60,394	43,062	34,164	8,898
SIFIC B	66,309	54,088	38,683	27,591	11,092
SIFIC Innovation Project	73,460	99,200	71,028	10,754	60,274
State Energy Program	537,322	596,958	428,206	413,968	14,238
SEP Industrial Technology	0	80,000	48,000	0	48,000
SEP Bldg Code #2	0	48,545	30,560	8,124	22,436
SEP FEMP 2	0	264,523	172,353	58,784	113,569
Soya Diesel	22,456	80,000	44,000	0	44,000
Building Code, Energy	3,000	8,000	4,800	5,538	(738)
Heating Oil & Propane Program	14,426	23,820	15,841	9,881	5,960
Energy Advancement	44,554	34,618	25,032	38,478	(13,446)
Greenhouse Gas	0	23,402	14,041	7,530	6,511
Greenhouse Gas #3	0	75,000	45,000	0	45,000
Federal Energy Bank	69,339	4,354	2,612	0	2,612
Energy/Education Study	28,363	19,389	11,633	19,054	(7,421)
Ethanol Seminar, CGLG	21,877	50,000	30,000	0	30,000
Oil Overcharge - 3 Admin	198,502	229,316	163,303	104,924	58,379
EPA Risk Assessment Project	25,053	7,421	4,453	13,112	(8,659)
Rebuild Iowa	141,632	87,089	55,353	63,726	(8,373)
Rebuild Iowa #2	0	98,426	61,579	14,063	47,516
SEP ENG Code	23,438	168,035	103,114	82,577	20,537
Federal Energy Mngt Program	31,194	59,996	35,998	4,947	31,051
Commercial Wind Energy	38,003	172,409	103,445	75,971	27,474
Wind Assessment	1,343	0	0	0	0

SEP Climate Wise	23,000	27,000	16,200	0	16,200
Ethanol Market Research	53,280	0	0	0	0
Total Energy Bureau	1,545,441	2,453,603	1,627,429	1,029,470	597,959

**Geology Bureau:**

Camp Dodge GIS Support	0	21,445	15,341	5,074	10,267
Camp Dodge Wetland	3,297	4,420	2,988	575	2,413
Camp Dodge Mapping	18,044	36,290	25,161	7,211	17,950
Floyd Cty ADW Project	12,663	16,699	11,351	12,731	(1,380)
Geology/Mineral Resources	369,792	426,707	304,977	280,134	24,843
Digital Mapping	100,132	19,386	13,307	16,149	(2,842)
Digital Survey	49,415	0	0	0	0
Wright Cty Monitoring	0	27,926	19,306	3,629	15,677
Hydrology/Environment	465,206	456,251	327,181	289,812	37,369
Livestock Regulation	0	76,001	54,455	51,893	2,562
State Mapping	31,342	149,367	103,011	105,930	(2,919)
SORC Water Reporting	0	0	0	35,597	(35,597)
Pesticide Mngt Project	28,442	35,756	25,974	24,941	1,033
Geology Information	232,408	246,497	177,988	108,347	69,641
Wellhead Protection	0	13,000	9,315	5,290	4,025
Big Springs Project	29,179	38,879	24,871	36,370	(11,499)
Geographical Info System	134,610	190,375	138,302	139,124	(822)
319 Planning - 91	24,092	21,164	14,175	6,768	7,407
319 Planning - 93	124,557	184,575	118,734	77,895	40,839
Walnut Creek Restoration	109,055	118,079	73,775	55,716	18,059
Wellhead Protection, EPA	52,139	59,934	41,278	42,228	(950)
USGS Coop. Agreement	155,492	156,154	93,692	75,610	18,082
Geology Bureau Mngt	216,821	234,159	170,596	157,973	12,623
Total Geology Bureau	2,156,686	2,533,064	1,765,780	1,538,997	226,783
Special Technology Initiative	0	10,826	9,558	0	9,558
Energy & Geological Div Mngt	95,712	101,727	72,540	69,546	2,994
Total Energy & Geological Resources Division	3,797,839	5,099,220	3,475,307	2,638,013	837,294

**6. Environmental Protection  
Division**

Budget Units	FY 98 Actual	FY 99 Budget	Estimated Spent thru March	Actual Spent thru March	Variance Under(Ovr)
<b>Water Quality Bureau:</b>					
Wastewater (NPDES) Mngt	698,887	812,628	563,742	464,517	99,225
Storm Water Permitting	196,068	217,508	155,230	143,035	12,195
Livestock Permits (C. Office)	334,331	315,029	226,683	279,361	(52,678)
State Revolving Grant Mngt	253,525	389,594	279,397	235,184	44,213
GW County Grants Mngt	60,555	53,853	38,282	35,553	2,729
Water Monitoring Workshop	1,812	0	0	0	0
Streamflow Statistics Report	12,745	13,470	8,140	13,195	(5,055)
Data Design	0	42,105	25,263	0	25,263
GIS Locational Data	3,135	15,250	10,927	9,404	1,523
604B Water Planning	177,522	186,227	133,201	140,230	(7,029)
Floodplain Reg & Mngt(SW)	0	101,800	73,593	18,073	55,520
Floodplain Reg & Mngt(GF)	358,733	324,737	233,948	230,927	3,021
319 Water Planning-91	25,109	0	0	0	0
319 Water Planning-92	94,707	50,000	30,000	69,663	(39,663)
319 Water Planning-93	115,336	185,000	111,000	27,430	83,570
319 Water Planning-94	301,466	200,000	120,000	70,834	49,166
319 Water Planning-95	417,223	200,000	120,000	137,723	(17,723)
319 Water Planning-96	483,501	538,253	363,221	266,395	96,826
319 Water Planning-97	180,379	205,151	123,482	278,747	(155,265)
319 Water Planning-98	0	100,000	60,000	111,927	(51,927)
Total 319 Water Planning	1,617,721	1,478,404	927,703	962,719	(35,016)
Water Supply Regulation	967,609	1,184,899	835,165	837,430	(2,265)
Water Rights Administration	137,682	147,844	107,222	95,391	11,831
Operator Certification Support	42,109	104,540	66,110	55,926	10,184

SRF Drinking Water Source	0	350,556	240,027	8,973	231,054
SRF Drinking Water Admin	0	78,776	56,024	18,217	37,807
SRF Drinking Water Tech	0	100,650	60,439	2,143	58,296
Well Contractor Permits	38,063	42,853	30,174	30,400	(226)
Public Wtr Supply Trng	0	10,000	6,000	10,000	(4,000)
Water Supply - Flood	12,000	0	0	0	0
Lab Certification	156,659	102,500	61,698	67,525	(5,827)
Stream Watershed Assessment	27,895	820	575	832	(257)
Total Water Quality	5,097,051	6,074,043	4,139,545	3,659,035	480,510

**Air Quality Bureau:**

Air Quality Regulation & Planning	1,989,969	1,865,725	1,273,771	1,242,609	31,162
Air PM 2.5 Monitoring	107,407	544,105	331,049	465,952	(134,903)
Title V, Permitting, Enforcement	3,471,625	4,873,474	3,340,079	2,714,973	625,106
Total Air Quality Bureau	5,569,001	7,283,304	4,944,899	4,423,534	521,365

**Land Quality Bureau:**

Waste Management	520,591	655,015	468,511	377,366	91,145
Solid Waste Authorization	52,304	63,473	45,423	36,477	8,946
GW Professional Registration	23,466	36,053	24,404	27,173	(2,769)
UST	225,783	297,868	212,098	166,732	45,366
LUST Cleanup	562,038	759,654	548,151	401,425	146,726
Hazardous Waste Sitting	58,061	164,675	115,641	74,866	40,775
Remedial Activity	24,087	82,120	57,461	17,029	40,432
AIDEX Monitoring	37	5,000	3,238	3,607	(369)
Superfund Program Management	176,203	192,821	138,522	132,490	6,032
Multisite, Investigation & Assess.	125,501	74,976	50,730	74,470	(23,740)
General Motors Site Mngt	30,228	55,626	40,439	10,577	29,862
Waste Tire Permitting	1,507	1,000	717	512	205
Emergency Response	183,286	215,899	155,062	124,970	30,092
LUST Field Support	0	0	136,962	136,952	10
BrownFields Initiative	1,271	0	0	28,999	(28,999)
BrownFields Development	97,586	0	0	0	0
Total Land Quality Bureau	2,081,949	2,604,180	1,997,359	1,613,645	383,714

**Legal & Compliance Bureau:**

LUST Cleanup	540,509	580,746	418,936	368,258	50,678
Air Quality-Field Const. & Mngt	135,901	187,394	135,408	121,386	14,022
Air Quality-Field Title 5	402,937	538,070	389,062	346,437	42,625
Wastewater-Field	1,405,022	1,505,466	1,055,586	883,082	172,504
Water Supply-Field	646,629	661,994	474,574	458,764	15,810
Waste Mngt-Groundwater	634,634	715,766	518,259	464,158	54,101
Water Supply Technical Asst.	160,186	203,445	149,778	105,430	44,348
Livestock-Field	314,278	509,168	367,752	332,630	35,122
Legal/Compliance Mngt	435,135	491,260	344,973	343,806	1,167
Total Legal & Compliance Bureau:	4,675,231	5,393,309	3,854,329	3,423,951	430,378

**EPD Division Mngt & Misc**

EPD Division Mngt & Misc	223,494	207,782	146,965	170,972	(24,007)
Totals, EPD Division	17,646,726	21,562,618	15,083,097	13,291,137	1,791,960

**7. Fish and Wildlife Division**

Budget Units	FY 98 Actual	FY 99 Budget	Estimated Spent thru March	Actual Spent thru March	Variance Under(Ovr)
<b>Law Enforcement:</b>					
NW Enforcement District	891,938	912,883	656,245	661,765	(5,520)
NW Enf. Boating Safety	28,697	25,900	17,531	16,869	662
NE Enforcement District	1,121,055	1,144,914	822,463	835,171	(12,708)
NE Enf. Boating Safety	13,482	11,500	7,774	5,309	2,465
SW Enforcement District	770,591	772,603	555,120	564,215	(9,095)
SW Enf. Boating Safety	23,800	6,800	4,597	2,348	2,249
SE Enforcement District	965,319	992,549	713,302	735,899	(22,597)
SE Enf. Boating Safety	12,440	16,000	10,816	18,167	(7,351)
NC Enforcement District	833,275	817,076	587,710	606,927	(19,217)

NC Enf. Boating Safety	17,662	16,700	11,289	12,804	(1,515)
SC Enforcement District	732,577	952,295	684,047	514,229	169,818
SC Enf. Boating Safety	241,243	52,120	43,185	110,499	(67,314)
Hunter Safety	410,608	360,787	253,122	260,600	(7,478)
Boating Safety	279,974	370,819	265,549	293,217	(27,668)
Snowmobile Safety	83,780	68,078	48,724	39,654	9,070
DPS AICO Grant	0	9,000	8,100	0	8,100
Big Creek Range Maint.	7,064	7,000	4,158	7,003	(2,845)
Boat Equipment Special	0	300,000	268,880	195,520	73,360
Cons. Law Bureau Mngt	223,941	448,401	321,966	258,859	63,107
Officer SPOC Retirement Benefit	202,080	0	86,585	86,585	0
<b>Total Law Enforcement</b>	<b>6,859,526</b>	<b>7,285,425</b>	<b>5,371,162</b>	<b>5,225,640</b>	<b>145,522</b>

**Fisheries Bureau:****Hatcheries:**

Big Springs Fish Hatchery	218,264	224,517	158,549	160,771	(2,222)
Decorah Fish Hatchery	260,875	264,704	186,602	182,695	3,907
Fairport Fish Hatchery	155,124	165,642	117,488	115,570	1,918
Manchester Fish Hatchery	256,660	265,704	187,291	196,513	(9,222)
Rathbun Fish Hatchery	492,310	524,418	362,872	369,102	(6,230)
Spirit Lake Fish Hatchery	361,034	383,650	264,052	240,684	23,368
<b>Total Hatcheries</b>	<b>1,744,267</b>	<b>1,828,635</b>	<b>1,276,855</b>	<b>1,265,335</b>	<b>11,520</b>

**Fisheries Management:**

NW District	602,267	643,465	456,711	427,031	29,680
NE District	659,233	669,545	477,638	478,227	(589)
SW District	502,013	515,410	369,192	366,593	2,599
SE District	528,977	562,155	403,457	387,341	16,116
<b>Total Fisheries Management</b>	<b>2,292,490</b>	<b>2,390,575</b>	<b>1,706,998</b>	<b>1,659,192</b>	<b>47,806</b>

**Fisheries Research:**

Mississippi Monitoring	328,018	344,744	245,660	214,001	31,659
Aquatic Education Project	151,318	101,479	71,665	78,334	(6,669)
Milfoil Project	75,159	100,927	65,488	41,881	23,607
Bellevue Fisheries Research	176,869	181,837	129,516	126,374	3,142
Chariton Fisheries Research	277,517	273,084	196,631	187,826	8,805
Cold Springs Fisheries Research	137,688	129,318	92,187	95,686	(3,499)
Bozeman Project	0	12,000	7,200	0	7,200
Manchester Fisheries Research	126,578	128,728	92,827	90,933	1,894
Fish Production Drug Study	20,000	20,000	20,000	20,000	0
Rathbun Fisheries Research	154,394	167,931	118,384	113,174	5,210
Spirit Lake Fisheries Research	144,384	138,177	98,815	110,432	(11,617)
MARIS Study	0	10,000	6,000	0	6,000
<b>Total Fisheries Research</b>	<b>1,591,925</b>	<b>1,608,225</b>	<b>1,144,373</b>	<b>1,078,641</b>	<b>65,732</b>
<b>Fisheries Bureau Mngt</b>	<b>461,215</b>	<b>528,482</b>	<b>356,606</b>	<b>414,349</b>	<b>(57,743)</b>
<b>Total Fisheries Bureau</b>	<b>6,089,897</b>	<b>6,355,917</b>	<b>4,484,833</b>	<b>4,417,517</b>	<b>67,316</b>

**Wildlife Bureau:****Wildlife Area Maint. & Mngt:**

NW District Operations	1,096,763	1,096,021	775,364	777,315	(1,951)
NE District Operations	1,009,561	1,011,560	717,080	713,558	3,522
SW District Operations	1,026,006	1,060,938	750,607	705,235	45,372
SE District Operations	1,200,085	1,267,609	896,632	901,634	(5,002)
Wetlands Project Support	15,317	1	0	0	0
<b>Wildlife Area Maint. &amp; Mngt</b>	<b>4,347,732</b>	<b>4,436,129</b>	<b>3,139,682</b>	<b>3,097,742</b>	<b>41,940</b>

**Corps WMA Areas, Cond. 5:**

Saylorville Cond 5 WMA	44,719	36,603	26,244	82,564	(56,320)
DM River Cond 5 WMA	18,788	12,500	10,032	7,119	2,913
Missouri River Cond 5 WMA	0	4,000	2,704	1,348	1,356
Red Rock Cond 5 WMA	107,526	160,227	111,595	161,104	(49,509)
Coralville Cond 5 WMA	39,799	51,962	37,337	37,202	135
Riverton Cond 5 WMA	1,500	0	0	3,046	(3,046)
Rathbun Cond 5 WMA	39,030	30,153	21,178	26,430	(5,252)
<b>Total Corps WMA Mngt</b>	<b>251,362</b>	<b>295,445</b>	<b>209,091</b>	<b>318,813</b>	<b>(109,722)</b>
<b>Total WMA Maint. &amp; Mngt</b>	<b>4,599,094</b>	<b>4,731,574</b>	<b>3,348,773</b>	<b>3,416,555</b>	<b>(67,782)</b>

**Wildlife Research:**

Boone Research, State	132,208	190,964	137,093	99,822	37,271
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Boone Research, Federal	107,845	134,551	94,721	84,155	10,566
Chariton Research, State	56,451	77,478	55,620	69,637	(14,017)
Chariton Research, Federal	131,166	128,990	91,496	49,341	42,155
Clear Lake Research, Federal	169,898	144,004	102,041	93,161	8,880
Clear Lake Research, State	115,378	86,560	62,196	92,600	(30,404)
Wildlife Diversity Project	226,346	252,892	177,283	178,362	(1,079)
Harvest Information Program Grant	12,018	40,000	27,040	24,083	2,957
Total Wildlife Research	951,310	1,055,439	747,491	691,161	56,330
Prairie Seed Project	0	0	0	58,326	(58,326)
Wildlife Depredation Mngt	137,672	166,497	124,409	84,826	39,583
Wildlife Bureau Mngt & Misc	1,441,247	1,435,855	1,013,609	1,189,200	(175,591)
Total Wildlife Bureau	7,129,323	7,389,365	5,234,282	5,440,068	(205,786)
FW Division Mngt & Misc	429,916	409,023	275,524	269,116	6,408
Total FW Division	20,508,662	21,439,730	15,365,801	15,352,341	13,460

#### 8. Waste Management Assistance Division

Budget Units	FY 98 Actual	FY 99 BDGT	Estimated Spent thru March	Actual Spent thru March	Variance Under(Ovr)
Buy Recycled Business Alliance	1,500	1,500	1,034	0	1,034
Planning & Grants	197,986	172,650	116,659	113,975	2,684
Landfill Alternatives	135,231	156,416	110,192	77,872	32,320
Waste Tires Program	44,427	54,438	38,631	34,900	3,731
Waste Recycling	277,330	289,774	197,902	177,645	20,257
Household Hazardous Waste Adm	225,297	266,668	177,450	108,618	68,832
Waste Reduction Assistance	122,153	159,303	112,974	87,180	25,794
PPIS Set Aside	0	26,470	16,374	0	16,374
Pollution Prevention (WRAP)	180,557	69,100	45,907	54,319	(8,412)
Pollution Prevention (WRAP)2	0	120,200	82,583	25,603	56,980
Waste Reduction Program	23,182	5,100	3,448	28,215	(24,767)
Solid Waste Reduction Grant	15,124	0	0	17,062	(17,062)
Collection Efficiency Project	0	17,500	10,000	326	9,674
Sustainable Conference	24,000	0	0	0	0
WMA Division Mngt	277,320	260,325	184,907	158,078	26,829
Waste Mngt Assistance Totals	1,524,107	1,599,444	1,098,060	883,793	214,267

Ms. Hanson explained that one thing she has done differently is the first page overview of the divisions. She noted that the remainder of the reports use quite a bit of paper every month and she is not sure if the Commission really wants all of that detail each month. She related that she would like to know what kind of information has been most useful to the Commission and whether they want more information than page one. She added that the detail is not necessarily the responsibility of the Commission but it is public information.

Charlotte Mohr stated that she thinks it is important and beneficial for the Commission to see the full report.

Ms. Hanson related that she would be glad to lay out the responsibility of the Commission relative to budget oversight.

Chairman Ehm asked if the Parks Division will be able to pull themselves out by end of the fiscal year.

Ms. Hanson responded that they will probably come out okay but this is an unusual year due to park ranger retirements.

<b>INFORMATIONAL ONLY</b>
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## MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

### RULEMAKING STATUS REPORT

April 1, 1999

PROPOSAL	NOTICE TO COMM	NOTICE PUBLIS H	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIV E
1 Ch. 4,5,6 – Agency Procedure for Rulemaking	4/19/99	*5/19/99	*6/07/99	----- -----	*7/19/99	*7/19/99	*8/11/99	*9/06/99	*9/15/99
2. Ch. 20, 21, 22, 23 & 25 – NESHAPS, Internal Corrections and Clarifications	2/15/99	3/10/99	4/06/99	4/09/99	*5/17/99	*5/17/99	*6/16/99	*7/06/99	*7/21/99
3 Ch. 40, 41, 42, 43, & 83 – Water Supply & Environmental Lab Certification	3/15/99	4/07/99	*5/10/99	*5/4,6,24- 27/99	*6/21/99	*6/21/99	*7/14/99	*8/09/99	*8/18/99
4 Ch. 55 – Aquifer Storage and Recovery	3/15/99	4/07/99	*5/10/99	*5/4,6,24- 27/99	*6/21/99	*6/31/99	*7/14/99	*8/09/99	*8/18/99
5. Ch. 64 – Stormwater Permits	4/19/99	*5/19/99	*6/07/99	*6/ /99	*7/19/99	*7/19/99	*8/11/99	*9/06/99	*9/15/99
6 Ch. 65 – Animal Feeding Operation Rules	11/19/98	12/30/98	1/05/99	1/19-22/99	3/15/99	3/15/99	4/07/99	*5/10/99	*5/12/99
7 Ch. 105 – Organic Materials, Composting	3/15/99	4/07/99	*5/10/99	*4/27/99	*6/21/99	*6/21/99	*7/14/99	*8/09/99	*8/18/99
8 Ch. 209 – Solid Waste Alternative	12/21/98	1/13/99	2/08/99	2/17/99	3/15/99	3/15/99	4/07/99	*5/10/99	*5/12/99

### Monthly Variance Report March 1999

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Halbur, City of-(West	Wastewater	DeWild Grant	Manhole,	Denied	#####

	Centra Iowa Rural Water Association)	Construction	Reckert Associates and Company	Wastewater Access Chamber-Diameter		
2	Halbur, City of-(West Central Iowa Rural Water Association)	Wastewater Construction	DeWild Grant Reckert Associates and Company	Manhole, Wastewater Access Chamber-Water Tightness	Denied	#####
3	Halbur, City of-(West Central Iowa Rural Water Association)	Wastewater Construction	DeWild Grant Reckert Associates and Company	Pump Clogging Protection	Denied	#####
4	Delaware County Bridge-(Near Worthington)	Flood Plain	Delaware County Engineer	Freeboard	Approved	#####
5	Mill Creek Expressway-Channel Change-Clinton County	Flood Plain	Snyder and Associates, Inc.	Percent Length Reduction	Approved	#####
6	Mill Creek Expressway-Harts Mill Creek Bridge-Clinton County	Flood Plain	Snyder and Associates, Inc.	Floodway Encroachment	Approved	#####
7	Mill Creek Expressway-Mill Creek Bridge-Clinton County	Flood Plain	Snyder and Associates, Inc.	Floodway Encroachment	Approved	#####
8	Bret Clay Race Test Track-Laona	Solid Waste		Waste Tire Management	Approved	#####
9	Cedar Rapids, City of-Water Department	Solid Waste	Midwest Environmental Consulting	Groundwater Monitoring	Approved	#####
10	Climax Molybdenum Landfill-Lee County	Solid Waste	Howard R. Green Company	Groundwater Monitoring	Approved	#####
11	R. J. Station Well-Scotch Grove	Watersupply Construction	Van Winkle-Jacob Engineering, Inc.	Siting Criteria	Approved	#####
12	Shawver Well Co., Inc.-Fredericksburg	Watersupply Construction		Construction Materials	Approved	#####

### ENFORCEMENT REPORT UPDATE

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Stokely USA, Inc., Ackley (2)	Wastewater	Prohibited Discharge	Order/Penalty \$1,000	3/3/99
R & K Smith Farms, L.L.C., Hardin Co. (2)	Wastewater	Prohibited Discharge	Order/Penalty \$1,000	3/3/99
Des Moines, City of (5)	Wastewater	Prohibited Discharge; Monitoring/Reporting	Order/Penalty \$5,000	3/3/99
Shenandoah, City of (4)	Wastewater	Discharge Limits; Certified Operator	Order/Penalty \$5,000	3/3/99
Westside Park for Mobile	Wastewater	Monitoring/Reporting;	Order/Penalty	3/3/99

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Homes, Burlington (6)		Certified Operator	\$7,000	
Bill Almond, Oskaloosa (5)	Wastewater	Operator Certification	Order	3/3/99
Woolstock, City of (2)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty \$5,000	3/3/99
Marshall Headley, Jewell (2)	Wastewater	Operator Certification	Order	3/3/99
Wellman, City of (6)	Wastewater	Discharge Limits; Operational Violations	Order	3/9/99
Lyn-Den Heights Homeowners Assoc., Johnson Co. (6)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order	3/9/99
Immanuel Lutheran Church, Iowa Co. (6)	Drinking Water	MCL – Bacteria	Order	3/9/99
Fayette County Sanitary Landfill, Fayette Co. (1)	Solid Waste	Construction Without Permit; Leachate Control; Cover Violations	Order/Penalty \$10,000	3/10/99
Robert Simon, Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$5,000	3/10/99
Mark Stillmunkes, Jackson Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	3/10/99
Dean Adrian Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge-Open Feedlot; Water Quality Violations-General Criteria	Referred to AG	3/15/99
Sale-R-Villa Construction Co.; Carl A. Burkhardt, Perry (5)	Air Quality	Asbestos	Referred to AG	3/15/99
Troy P. and Sandra L. Hanson, Eagle Grove (2)	Animal Feeding Operation	Prohibited Discharge- Confinement; Water Quality Violations-General Criteria	Referred to AG	3/15/99
Holnam Incorporated, Mason City (2)	Air Quality	Excess Emissions	Referred to AG	3/15/99
LaFarge Corporation, Davenport (6)	Air Quality	Excess Emissions	Referred to AG	3/15/99
Ivan Stoltzfus, Decatur City (5)	Wastewater	Construction Without Permit	Order/Penalty \$2,500	3/16/99
Hargrave-McEleney, Inc., Iowa City (6)	Drinking Water	MCL – Other Inorganics	Order/Penalty \$1,000	3/22/99
Gerald and Judith Vens, Dixon (6)	Flood Plain	Construction Without Permit; Operation Without Permit	Order/Penalty \$5,000	3/31/99
Richard Greiner, Washington Co. (6)	Animal Feeding Operation	Prohibited Discharge- Confinement, Open Feedlot; Water Quality Violations- General Criteria	Order/Penalty \$3,000	3/31/99



## SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Searsboro, City of	WW	2,500	11-08-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Kalona Golf Club (Washington Co.)	WS	250	10-31-98
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
* Gary Lund Construction (Eagle Grove)	SW	1,250	3-01-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
The Sportsmen (Oelwein)	WS	500	12-28-98
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,450	2-15-99
Mark Geerdes (Kossuth Co.)	SW	550	2-04-99
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
* Dakota Mobile Home Park (Oxford)	WW	750	4-15-99
* Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	1,000	3-15-99
Aeroplane Inn (Honey Creek)	WS	1,125	2-16-99
* Milton, City of	SW/AQ	500	2-16-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Russ Winkowitsch (Butler Co.)	FP	500	3-06-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
J Wood Park (Clayton Co.)	WS	100	3-06-99
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000	3-09-99
Koch's Meadow Lake Campground (Cedar Co.)	WS	200	3-11-99
Clair View Acres Store (Delhi)	WS	100	3-13-99

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Nancy's Country Inn (Cedar Rapids)	WS	100	3-13-99
Plantation Village Mobile Home Park (Burlington)	WS	500	3-13-99
Plantation Village Mobile Home Park (Burlington)	WW	2,000	3-13-99
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Wee Willy's (Quasqueton)	WS	100	3-15-99
River City Hardwoods, Inc. (Muscatine)	AQ	2,000	3-22-99
*Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	450	4-01-99
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
* R.V. Hopkins, Inc. (Davenport)	AQ	13,200	4-16-99
Etter Livestock (Chariton)	WW/SW	2,000	4-18-99
Bowlaway Lanes (New Hampton)	WS	100	4-20-99
Full Moon Saloon (Jesup)	WS	500	4-23-99
*Orrie's Supper Club, Inc. (Hudson)	WS	520	5-01-99
Des Moines, City of	WW	5,000	5-04-99
Shenandoah, City of	WW	5,000	5-07-99
Stokely USA, Inc. (Ackley)	WW	1,000	5-07-99
*Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	450	5-11-99
Fayette County Sanitary Landfill	SW	10,000	5-14-99
Robert Simon (Dubuque Co.)	AQ/SW	5,000	5-15-99
Mark Stillmunkes (Jackson Co.)	AQ/SW	1,000	5-19-99
Ivan Stoltzfus (Decatur Co.)	WW	2,500	5-21-99
Hargrave-McEleney, Inc. (Iowa City)	WS	1,000	5-25-99
* Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000	6-01-99
*#Verton S. Miller (Johnson Co.)	AFO	625	8-10-99
# Richard Greiner (Washington Co.)	AFO	3,000	-----
Gerald and Judith Vens (Scott Co.)	FP	5,000	-----
Anthony's Resort (Sherrill)	WS	2,100	-----
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Outer Limits Quick Mart (Woodbine)	WS	100	-----
	<b>TOTAL</b>	<b>163,545</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94

Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Charlie's Supper Club (Algona)	WS	100	8-01-98
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
# Rodney Mullins (Humboldt Co.)	AFO	500	8-22-98
Oakland Mills Store (Mt. Pleasant)	WS	200	9-07-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
Tyler Excavating; Fred Knosby (Warren Co.)	SW	1,000	11-08-98
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	5-01-98
# Troy Hanson (Wright Co.)	AFO	1,500	8-14-98
<b>TOTAL</b>		<b>108,754</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,500
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600

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Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
<del>Wilbur McNear; Gilbert Persinger (Smithland)</del>	<del>UT</del>	<del>2,500</del>
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Ron Rupe (Polk Co.)	SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Carroll, City of	WS	3,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition;	AQ/SW	1,000
Clara Lindstadt (Des Moines Co.)		
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	10,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000

Stellar Industries, Inc. (Garner)	AQ	3,000
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	5,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
North Central Cooperative (Clarion)	WW/HC	2,000
Troy Elevator, Inc. (Troy)	WW/HC	4,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
Ed Engelbrecht d/b/a E & E Auto Salvage (Lee Co.)	AQ/SW	1,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
Ben Haven Mobile Home Park	WS	5,500
Rosebar Tire Shredding Center; Dan Schwitters (Vinton)	SW	10,000
Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	10,000
West Liberty, City of	WW	5,000
The Legacy Group, L.C. (Des Moines)	WW	10,000
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
Eagle Lane Corp. (Blue Grass)	WS	4,000
Barr Farm Venture; Mel Foster Co. Properties (Scott Co.)	WW	10,000
Casey's General Stores, Inc. (Johnston)	UT	8,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Underwood Motel (Underwood)	WS	4,000
Kraus's Serene Wooded Acres (Amana)	WS	500
Dennis Tasler (Webster City)	AQ	10,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
Dyersville Golf and Country Club (Dyersville)	WS	1,500
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Holland Contracting Corp. (Forest City)	AQ	500
Lonnie King (Marion Co.)	AQ/SW	1,600
Wareco System of Iowa, Inc. (Burlington)	UT	6,100
The Heights (Monticello)	WS	500
Dennis Sharkey, Sr.; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	10,000
Super 20 Mobile Home Park (Dubuque)	WS	1,000
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Paris & Sons; Thomas Paris (Masonville)	WW/HC	10,000
Dayton, City of	WW	10,000
Williamsburg Manufacturing (Williamsburg)	AQ	3,000
Lund Manufacturing Company, Inc. (Farley)	AQ	4,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Tiffin, City of	WW	5,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Woolstock, City of	WW	5,000
<b>TOTAL</b>		<b>553,375</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Country Air Mobile Home Court (Benton Co.)	WS	400
Mike's Fisherman's Wharf (Dubuque)	WS	2,500
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600
* Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	500
*Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	50
R & K Smith Farms, L.L.C. (Hardin Co.)	WW	1,000
Russell Stagg (Muscatine Co.)	AQ/SW	300
Randy Harbach d/b/a Randy's Sanitation (Delaware Co.)	SW	5,000
* R.V. Hopkins, Inc. (Davenport)	AQ	500
#*Harold Unternahrer (Washington Co.)	AFO	300
* Dakota Mobile Home Park (Oxford)	WW	125
South Park Mobile Home Park (Iowa Falls)	WW	1,000
# James Verdoorn (Sioux County)	AFO	3,000
Larson Manufacturing Co. of Iowa (Lake Mills)	AQ	500
Tri-County Bank & Trust (Cascade)	AQ	2,000
*Orrie's Supper Club, Inc. (Hudson)	WS	130
# Norman Nietert (Linn Co.)	AFO	3,000
Papetti's of Iowa (Stipulated Penalty)	WW	907
Neil Rankin d/b/a Rankin Roofing & Siding (Knoxville)	SW	1062
Kind & Knox Gelatine, Inc. (Stipulated Penalty)	WW	32,700
	<b>TOTAL</b>	<b>55,574</b>

The \$100 penalty assessed to McClelland Bar & Grill (Council Bluffs) was rescinded 2/12/99.

The following underground tank penalty cases have been moved to a status of "deferred enforcement" and will no longer appear on the active penalty report. In general these penalties were assessed prior to changes to the tank laws and the circumstances of the parties are such that collection procedures by referral to the Attorney General would not be cost-effective. In most cases the underlying problem has been is being taken care of. In most cases, we have registered the penalty amount with the Iowa Department of Revenue and Finance, so that if the party is due to receive a tax refund or some other payment from the State, we will be contacted first and have an opportunity to collect through an offset. If the Commission wishes to discuss the particular circumstances of any of these cases, we should go into closed session.

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
David Kramer (Camanche)	UT	600	5-03-96

#### ATTORNEY GENERAL REFERRALS

April 1, 1999

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6)	NEW Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred	3/15/99
Advanced Technologies Corp. Iowa City (6) <b>UPDATED</b>	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Order Granting Leave to Add Parties Trial Date	6/20/97 6/05/98 2/17/99 9/27/99
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 9/23/99
Barkema, Russell d/b/a Barkema Construction Wright Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	2/15/99
Bodensteiner, Edward Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	8/17/98 12/22/98
Buringrud, Mark d/b/a Carpenter Bar and Grill Carpenter <b>UPDATED</b>	(2) Drinking Water	Monitoring /Reporting- Bacteria, Nitrate	Order/Penalty	Referred Petition Filed Consent Decree (\$1,000/Civil; \$986/Admin & Injunction)	11/17/97 6/04/98 2/09/99
Clark, Doug d/b/a Charlie's Supper Club Livermore (2)	Drinking Water	Failure to Renew Permit; Monitoring/Reporting	Order/Penalty	Referred Petition Filed	7/20/98 9/24/98
DeCoster, A.J. Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Hearing on Pre-Trial Motion Order Denying Defendant's Motion Order Granting State's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial Closing Arguments Ruling (\$59,000/Civil) Defendant's Notice of Appeal Defendant's Brief Filed Defendant's Amended Brief Filed	7/17/95 1/23/96 10/28/96 11/06/96 11/21/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97 3/28/97 9/05/97 4/04/97 9/05/97 9/24/97

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				State's Brief Filed	1/12/98
				State's Amended Brief Filed	1/22/98
				Defendant's Reply Brief Filed	2/19/98
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DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
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DeCoster, Austin J. Sow Unit #1 (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Defendant's Motion for Partial Summary Judgment State's Motion for Partial Summary Judgment Hearing on Defendant's Motion for Partial Summary Judgment Hearing on State's Motion for Partial Summary Judgment Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Ruling for State Defendant's Notice of Appeal Defendant's Proof Brief Filed State's Brief	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 7/14/97 8/04/97 8/11/97 8/25/97 9/02/97 9/04/97 9/16-18/97 1/15/98 2/13/98 7/08/98 10/08/98
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DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2) <b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
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DeCoster, Austin J. Nursery Unit #4 Wright Co. (2) <b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date Post Trial Brief	8/18/97 3/20/98 3/16/99 3/30/99
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DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	12/15/97
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DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	11/16/98
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Farmers Hybrid Companies,	Animal Feeding	Prohibited	Referred to	Referred	3/16/98



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Inc.	Co.	Operation	Discharge	Attorney General	Petition Filed	3/11/99
Poweshiek <b>UPDATED</b>	(1)					
Flannegan Service; Hugh J. Flannegan Emmetsburg (3)	Conservation	Solid Waste	Operation Without Permit	Referred to Attorney General	Referred	11/16/98
Freese, Ken South English (6)		Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	12/21/98
Fry, Elery; Allen Fry; Beck Sandeen Monroe Co. (5)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Grell, Don Enterprises Ft. Dodge <b>UPDATED</b>	d/b/a Dodger (2)	Air Quality	Open Burning	Order/Penalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment Trial Date	1/20/98 8/25/98 9/28/98 10/26/98 2/12/99 3/18/99 4/14/99
Hahn, Oscar Solon (6)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Hanson, Troy P. and Sandra L. Eagle Grove (2)	<b>NEW</b>	Animal Feeding Operation	Prohibited Discharge-Confinement; Water Quality Violations-General Criteria	Order/Penalty	Referred	3/15/99
Henry County Supervisors Henry Co. (6)	Board of	Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99
Hidden Valley Mobile Home Court Washington Co. (6)		Drinking Water	Monitoring/Reporting - Lead and Copper	Order/Penalty	Referred Petition Filed	1/20/98 9/29/98
Holnam Incorporated Mason City (2)	<b>NEW</b>	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99

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Huyser, James; Trust	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
LaFarge Corporation Davenport NEW	(6) Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
LaFollette, James; Kurt	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	11/16/98
Larson, Daryl Clinton Co. (6)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	10/20/97 6/26/98 5/26/99
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	8/17/98
Lenz, Gary D/b/a Mike's Fisherman's Wharf Bellevue (1) <b>UPDATED</b>	Drinking Water	Monitoring Reporting	Order/Penalty	Referred Admin. Penalty Paid (\$2,500)	2/15/99 2/26/99
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCoy, Patrick Keokuk Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	2/15/99
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Mullins, Rodney Eagle Grove <b>UPDATED</b>	(2) Animal Feeding Operation	Prohibited Discharge – Confinement	Order/Penalty	Referred Motion for Judgment Filed	2/15/99 3/18/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction	12/15/97 10/02/98 2/04/99

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Pewe Mercantile, Inc.; Dion Pewe Grand Mound (6)	Underground Tank	Insurance Violation; Site Check	Order/Penalty	Referred	11/16/98
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Sale-R-Villa Construction Co. Carl A. Burkhardt Perry NEW (5)	Air Quality	Asbestos	Order/Penalty	Referred	3/15/99
Stafford, Dean d/b/a Oakland Mills Store Mt. Pleasant UPDATED (6)	Drinking Water	Operation Without Permit; Monitoring/Reporting - Nitrate	Order/Penalty	Referred Motion for Judgment Filed Hearing	2/15/99 3/19/99 4/26/99
Tire Tech Environmental Systems, Inc. Muscatine (6)	Solid Waste	Tire Processing Permit Violations	Referred to Attorney General	Referred Petition Filed Hearing on Temporary Injunction Temporary Injunction Trial Date	4/20/98 6/23/98 8/25/98 9/15/98 5/10/99
Tracy, Ronald d/b/a TRACE, Inc. Howard Co. (1)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Complaint Filed	11/17/97 11/26/97
Tyler Excavating Warren Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Village Realty Pottawattamie Co. (4)	Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order	8/12/98 10/08/98 12/22/98
Weber Construction, Inc. Cascade UPDATED (1)	Air Quality	Asbestos	Petition for Review	Petition Filed Answer Filed Hearing	11/19/98 12/23/98 8/24/99
White, Robert Jeff Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	4/20/98 2/05/99

Williams, Dean Williams Oil Co. Stuart (4)	d/b/a Undergrou nd Tank	Site Assessment	Order/Penalt y	Referred Petition Filed	10/20/97 9/24/98
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Undergrou nd Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98

## CONTESTED CASES

Date Received	Name of Case	Action Appealed	Program	Assigned To	Status
6-08-89	Shaver Road Investments	Site Registry	HW	Tack	Testing completed 10/13/98. Revised order sent
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Tack	Testing completed. Revised order sent.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations Settlement proposed 8/96
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Tack	Permit issued District court suit dismissed Field Office overseeing
6-20-90	Des Moines, City of	NPDES Permit	WW	Hansen	EPD met with City to resolve appeal issues Follow-up with EPD
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal	Site Registry	HW	-----	Hearing continued
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler)
8-01-90	J I Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin.	SW	Tack	Settlement reached. Clean-up to be completed by 7/1/99 Awaiting
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement close, 2/99
9-25-91	Archer Daniels Midland	Admin. Order	SW	Tack	DNR engineers reviewing documents
1-17-92	Hickory Hollow Water Co	Admin.	WS	Hansen	Settlement offer to WS Counter offer 7/13/93 Dept. response on
1-30-92	Center Oil Co., Inc	Admin. Order	HC	Murphy	Negotiating before filing
4-09-92	Wayne Transports, Inc.	Admin.	WW	Murphy	Negotiating before filing
5-05-92	Plymouth Cooperative Oil Co	Admin.	WW	Murphy	Negotiating before filing
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing
11-16-92	Frank Hulshizer	Admin.	SW	Tack	Amended order issued 1/11/96
12-14-92	Quantum	Permit	WW	Hansen	3/30/93 Dept. settlement offer made 5/03/93 response from company
4-05-93	Mapleton, City of	WW Operator	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff
4-12-93	LeMars, City of	Admin.	WW	Hansen	Construction permit issued Schedule submitted by City for remaining
7-09-93	Oakwood Park Water, Inc.	Admin.	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp;	Admin. Order	UT	Wornson	Tier 2 submittred. Under review.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock	Admin.	AQ	Preziosi	Hearing continued to 4/30/99.
1-27-94	Archer-Daniels-Midland	Permit	AQ	Preziosi	Negotiating before filing
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal Response requested by
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin.	UT	Wornson	Tanks closed. Property sold Buyer not Fund eligible and bankrupt.
6-15-94	Lakeview Heights	Permit	WS	Hansen	Facility proposal under review by WS DNR response to appeal - 4/96

7-12-94	Tom Wiseman	Admin.	UT	Wornson	Appeal untimely. Follow-up letter sent Fund eligible Tier I initiated -
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin.	UT	Wornson	Inability to pay Failed to return required documentation Letter sent
8-29-94	B and B Tire and Oil	Admin.	UT	Wornson	SCR accepted. Letter sent offering penalty negotiations 8/26/96 Free
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin.	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin.	WW	Hansen	Facility in compliance
9-06-94	HEW, inc.	Admin.	AQ	Preziosi	<b>Hearing held 3/12/99. Record held open for further evidence.</b>
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin.	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept of Agriculture resolution.
9-15-94	Bankston	Admin	WS	Hansen	1/95 - Information from City Compliance initiated Respond to City
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn	Admin	UT	Wornson	Consent order SCR received Revisions to SCR required - overdue
9-26-94	James D. Foust	Admin	SW	Tack	Hearing continued by ALJ because of bankruptcy
10-07-94	Titan Wheel International	Admin	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits Letter to
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin	UT	Wornson	Inability to pay - requested documentation -- no response State lead -
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing
1-10-95	Steamboat Rock	Admin Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept 4/95 - Dept letter
1-11-95	Henry and Randy Krohn d/b/a Krohn	Admin.	AQ/SW	Tack	Penalty settlement reached Final payment due 7/1/99
1-13-95	Simonsen Industries, Inc	Admin.	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of
2-23-95	Lehigh Portland Cement	Permit	WW	Hansen	Informal settlement meeting held on 6/96 Facility to provide status
3-23-95	American Coals Corp.	Admin. Order	SW	Tack	Awaiting consent order approval Awaiting Dept of Agriculture
4-13-95	The Weitz Corp.; Barton Solvents, Inc	Admin. Order	HC	Tack	Remediation plan received 5/27/96
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty	Admin	HC/WW	Tack	<b>Settled. Penalty due 6/1/99.</b>
5-25-95	E I DuPont DeNemours (95-A-133)	Permit	AQ	Preziosi	Awaiting engineering evaluation
5-25-95	Fremont County SLF	Admin.	SW	Tack	Negotiating before filing
5-30-95	Earth Media Technologies	Admin	SW	Tack	In the process of clean-up
5-31-95	E I DuPont DeNemours (91-A-266 thru 91-A-	Permit	AQ	Preziosi	Awaiting engineering evaluation
6-20-95	Toledo, City of	Permit	WW	Hansen	WW permits to negotiate settlement Status of negotiations requested
6-23-95	Leonard C. Page	Admin.	SW	Tack	Penalty settlement due 8/30/97
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin	WW	Hansen	Negotiating before filing
7-05-95	Boyer Valley Co	Admin.	WW	Hansen	Informal meeting held for 6/7/96 Response from facility due 6/28/96
7-10-95	Donald Krieger	Admin	UT	Wornson	Tanks removed Report due
7-10-95	Gilbert Persinger/Smithland Store	Admin	UT	Wornson	SCR received - rejected Review progress
8-01-95	Wilbur McNear d/b/a McNear Oil Co./Charter	Admin	UT	Wornson	SCR received/rejected Referral for state lead Negotiating penalty.
8-24-95	Shell Rock Products, Inc.	Admin	AQ/SW	Preziosi	<b>Hearing continued to 4/30/99.</b>
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96 Letter 2/19/96
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing Attorneys contacted 2/99
10-09-95	<b>E.L. Incorporated</b>	Admin Order/Penalty	SW	Tack	<b>Settled. Consent order issued. Penalty rescinded.</b>
10-17-95	<b>Tri-County Bank</b>	Admin Order/Penalty	AQ	Preziosi	<b>Penalty received 3/2/99. Closed.</b>
10-17-95	Weber Construction, Inc.	Admin	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor Penalty
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney	Admin.	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger; K & K Sanitation	Admin	AQ/SW	Tack	Clean-up progressing Working with FO #6 Receiving penalty
12-29-95	Spencer Memorial Hospital	Admin	AQ	Preziosi	Settled. Awaiting penalty payment
1-04-96	Catherine E. Meredith	Admin Order	UT	Wornson	Compliance initiated by Atlantic Bottling Comingled with coal tar
1-08-96	Westside Park for Mobile Homes	Admin.	WW	Hansen	<b>Past due monthly monitoring reports submitted to FO 6. Facility</b>

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1-11-96	Climax Molybdenum Company	Admin.	AQ/HC	Preziosi	Hearing set for 4/26/99.
1-12-96	Clarence, City of	Order/Penalty Admin	WW	Hansen	1/96 - Facility inspected by FO 6 9/96 letter from facility attorney
1-22-96	Daryl Hollingsworth and Karen Hollingsworth	Admin	UT	Wornson	Hearing scheduled for 3/23/99
1-25-96	Hidden Valley Mobile Home Park	Admin.	WW	Clark	Negotiating before filing
2-06-96	Russell Stagg	Admin.	AQ/SW	Tack	Penalty paid 3/24/99. Settled.
3-11-96	Dallas County Care Facility	Admin.	WW	Hansen	Facility inspected by FO Now in compliance
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section..
3-14-96	Lamoni, City of	Admin Order	WW	Hansen	Flow information requested from City's engineer New waste load
3-19-96	Obie's West	Admin Order	WS	Hansen	Under review by WS section
3-22-96	Mt. Joy Mobile Home Park	Admin	WW	Hansen	3/25/96 Inspection by FO 6 Facility in compliance
3-26-96	Louisa-Muscatine Community School	Admin.	WS	Hansen	Negotiating before filing
5-07-96	Lakeview Mobile Home Park	Admin	WW	Hansen	6/20/96 - informal meeting held Facility to provide settlement offer by
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin	AQ	Preziosi	Consent order drafted
5-14-96	Gary Lee Walker	Admin	AQ/SW	Tack	Negotiating before filing
5-16-96	Grand Laboratories, Inc	Permit Denial	WW	Hansen	Information received and reviewed by EPD Settlement offer and
5-29-96	Haasco, Ltd.	Admin.	AQ	Preziosi	Negotiating before filing
6-07-96	Clow Valve Company	Permit	AQ	Preziosi	Negotiating before filing
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin Order	WW	Clark	Proposed decision 11/25/96 Appealed to EPC 12/27/96
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96 Appealed to EPC 12/27/96
6-19-96	Appanoose Co. Sanitary Landfill	Permit	SW	Tack	Hearing set for 6/29/98 - settlement pending
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. &	Admin	AQ/SW	Tack	Hearing held 3/29/98. Awaiting ALJ decision.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 -	Permit Denial	WW	Clark	Proposed decision 11/25/96 12/27/96 - Appealed to EPC
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	Admin	WW	Clark	Hearing continued - date to be set
8/09/96	Gene and Margaret Palmersheim d/b/a G & M	Admin	UT	Wornson	Negotiating before filing
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home	Admin	WW	Clark	Penalty installments received. Settled pending receipt of all
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing
10/11/96	DeCoster Farms of Iowa (96-WW-32)	Admin Order	WW	Clark	Hearing continued indefinitely
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 -	Permit	WW	Clark	Hearing continued indefinitely
10/28/96	Holliman, Ltd.	Admin.	SW/WW	Tack	Hearing set for 5/21/99.
10/28/96	Fischer Controls International	Permit	WW	Hansen	Negotiating before filing
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M	Admin	AQ/SW	Tack	Settled Penalty payment plan Awaiting payment
11/08/96	Carroll, City of	Admin.	WS	Hansen	Returned to compliance
11/25/96	Camp Golden Valley	Admin	WW	Tack	Negotiating before filing
12/02/96	Organic Technologies Corp	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed Affirmed by EPC
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	Admin	SW	Murphy	Proposed decision received 8/1/97; appealed Affirmed by EPC
1/02/97	Ruan Leasing Co., aka Ruan Transportation	Admin. Order	AQ	Preziosi	Negotiating before filing
1/28/97	Ralene Hawkins d/b/a R.J. Express Salvage &	Admin	SW/AQ	Tack	Hearing continued to 5/7/99..
2/07/97	Craig Burgin	Admin.	UT	Wornson	Compliance complete. Dismissed without prejudice.
2/19/97	Cliff's Place, Inc.	Admin.	WS	Hansen	Compliance initiated
2/21/97	Farmland Foods, Inc. (Denison)	Permit	AQ	Preziosi	Negotiating before filing
3/04/97	Wayne Johnson	Admin	SW/AQ	Tack	Negotiating before filing
3/20/97	Sylvan Acres	Admin	WS	Hansen	Compliance initiated
3/28/97	Paul Behounek; Todd Behounek	Admin	SW/AQ	Tack	Hearing set for 4/6/99

4/10/97	Lehigh Portland Cement	PSD Permit	AQ	Kaizer	Negotiating before filing
5/07/97	Delaware County Landfill, Inc.	Admin	SW	Tack	Negotiating before filing
6/06/97	Carroll's Foods of the Midwest	Const Permit	WW	Clark	Negotiating before filing
6/30/97	Linwood Mining and Minerals	Admin Order	AQ	Preziosi	Negotiating before filing
7/22/97	CIPCO	Construction	AQ	Preziosi	Negotiating before filing
7/22/97	Robert P. Frees; Elizabeth R. Mathes	Admin.	SW	Tack	Settlement reached Cleanup underway
7/30/97	Country Pumpkin	Admin.	WS	Hansen	To be sent to DIA. Not in compliance
7/31/97	Advanced Technologies Corp.	Admin.	AQ	Kaizer	Settled Awaiting penalty payment
8/01/97	Dodger Enterprises Co., Tire Chop Division;	Admin Order	SW	Murphy	Proposed decision 6/26/98 Appeal to EPC Affirmed 9/21/98
8/05/97	Biovance Technologies	Admin.	AQ	Preziosi	Negotiating before filing
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid	Admin.	SW	Tack	Negotiating before filing
8/15/97	Ralston Purina Co	Permit	AQ	Preziosi	Negotiating before filing
8/18/97	Stellar Industries Inc	Admin.	AQ	Preziosi	Negotiating before filing
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner	Admin.	WW	Murphy	Case on hold pending compliance Compliance to be achieved summer
9/17/97	Keokuk Steel Castings	Admin	AQ	Preziosi	Negotiating before filing
9/25/97	Iowa Mold Tooling Co., Inc.	Admin.	AQ	Preziosi	Negotiating before filing
10/6/97	North Central Cooperative	Admin.	HC/WW	Murphy	11/98 - Site assessment approved Settlement pending 2/26/99
10/6/97	Holnam, Inc	Permit	AQ	Preziosi	Negotiating before filing
10/7/97	Ottumwa, City of	Variance Denial	WW	Hansen	Informal meeting held 11/13/97. City submitted proposal. Letter
10/22/97	Lehigh Portland Cement Co.	Admin. Order	AQ	Preziosi	Settlement close.
11/19/97	Troy Elevator, Inc.	Admin.	WW/HC	Murphy	Site assessment conditionally approved 11/98
12/02/97	Dows, City of	Admin. Order	WW	Hansen	F O 2 inspection 3/98 To be set for hearing Letters received from
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop	Notice of Intent	SW	Murphy	Proposed decision 6/26/98 Appeal to EPC Affirmed 9/21/98
12/22/97	Dave and Kristi Castenson; Donald Fields,	Harcourt	WW	Hansen	Hearing set for 7/20, 21/98. Hearings also held 8/20 and 8/28.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright	Admin	WW	Clark	Negotiating before filing
1/16/98	Pilgrim Heights Camp	NPDES Permit	WW	Hansen	Negotiating before filing
1/23/98	Sac City	Admin	WW	Hansen	Status report received from city's consultant
1/29/98	Ralston Purina Company	Permit	AQ	Preziosi	Appeal dismissed 3/3/99. Closed.
1/30/98	Rockwell City	Admin	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan
2/13/98	Ed Engelbrecht d/b/a E & E Auto Salvage	Admin	AQ/SW	Tack	Negotiating before filing
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	Admin.	AQ	Preziosi	Negotiating before filing
3/16/98	Pathway Christian School	Admin.	WS	Hansen	Negotiating before filing
4/03/98	Pictured Rocks Methodist Camp	Admin.	WS	Hansen	Facility agreed to install chlorination FO 2 inspection on 6/29/98
4/03/98	Cooperative Oil Company; Mickey Berg	Admin. Order	UT/WW	Wornson	Compliance initiated
4/23/98	North Liberty, City of	Admin. Order	WW	Hansen	Negotiating before filing
4/27/98	Weise Corporation	Admin.	AQ	Preziosi	Negotiating before filing
5/04/98	Ben Haven Mobile Home Court	Admin.	WS	Hansen	Chlorination system installed by WS
5/11/98	Teri Cook-Schlutz	401 Certification	WQ	Murphy	Negotiating before filing
7/01/98	Ag Processing, Inc.	Permit	AQ	Kaizer	Negotiations continue
7/27/98	Mitchell Dam Bar	Permit	WS	Hansen	Negotiating before filing
7/28/98	Q C Metallurgical Laboratory	Laboratory	UT	Wornson	Settlement reached Compliance achieved
7/29/98	Eagle Lane Corporation	Admin.	WS	Hansen	Water supply in compliance with monitoring requirements
7/29/98	Archer Daniels Midland 98-A-507P thru	Permit Provisions	AQ	Preziosi	Negotiating before filing

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8/13/98	Obie's Hurstville Tap	Admin. Order	WS	Murphy	Letter sent 2/26/99. On hold pending monitoring
8/18/98	University of Iowa	Permit	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99.
9/15/98	Verton S Miller	Admin.	AFO	Clark	Penalty installment received 2/11/99. Settled pending receipt of
9/22/98	Rosebar Tire Shredding Center; Dan L	Admin	SW	Tack	Hearing set for 5/14/99.
9/29/98	Randy Foth d/b/a Foth Lumber Co	Admin.	AQ	Kaizer	Hearing to be rescheduled for 8/99
10/03/98	Ag Processing, Inc. (Emmetsburg)	Permit	AQ	Kaizer	Negotiating before filing.
10/06/98	M & W Pallett Co.	Admin. Order	SW	Tack	Negotiating before filing. Clean-up in progress
10/08/98	West Liberty, City of	Admin.	WW	Hansen	Informal procedures requested
10/09/98	Elm's Corporation of Linn County	Admin	UT	Wornson	Compliance initiated
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate	Admin.	WW	Murphy	Letter sent 2/26/99. Will monitor compliance this spring
11/03/98	Dakota Mobile Home Park; Capitol Oil Co.	Admin. Order	WS	Murphy	Settlement offer sent 3/30/99.
11/05/98	Jim Arenson Chevrolet	Permit Revisions	WS	Hansen	Negotiating before filing
11/06/98	Barr Farm Venture and Mel Foster Co. Properties	Admin.	WW	Murphy	Letter sent 2/26/99. Will monitor compliance this spring
11/06/98	Rustic Oaks Homeowners Assoc.	Admin. Order	WS	Murphy	Negotiating before filing
11/13/98	Caseys General Stores, Inc. (Johnston Store)	Admin.	UT	Wornson	Compliance initiated.
11/19/98	Jacobs Energy Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing
11/25/98	The Heights	Admin	WS	Hansen	Settlement offer sent 3/30/99.
11/30/98	Robert Diehl	Admin.	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	Admin	WS	Hansen	Negotiating before filing
12/01/98	Dyersville Golf & Country Club	Admin	WS	Murphy	Progress report submitted 3/16/99. Certified operator retained.
12/02/98	Ag Processing (Eagle Grove)	Permit	AQ	Kaizer	Negotiating before filing
12/07/98	Krauss Serene Wooded Acres	Admin	WS	Murphy	Letter sent 2/23/99. Sanitary survey to be conducted
12/08/98	Dennis Tasler; Tasler Inc.	Admin	AQ	Kaizer	Negotiating before filing
12/16/98	Richard Swailes	Permit Denial	FP	Clark	Negotiating before filing
12/24/98	Keokuk Steel Castings Co., Inc.	Admin	AQ	Preziosi	Negotiating before filing
12/28/98	Jim Comes; Gary Comes	Permit Issuance	FP	Clark	Hearing set for 4/5/99.
12/30/98	Farmland Industries, Eagle Grove	Permit	AQ	Preziosi	Negotiating before filing
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	Admin	SW	Tack	Negotiating before filing
1/06/99	Farmers Cooperative Society	Admin	AFO	Clark	Penalty received 2/10/99. Settled. Awaiting final signed
1/13/99	Bernadette Ryan	Admin	AFO	Clark	Negotiating before filing
1/20/99	Lonnie King	Admin	AQ/SW	Tack	Negotiating before filing
1/25/99	Supervisor's Club, Inc.	Admin. Order	WS	Murphy	Negotiating before filing. Will hook onto City water in 4/99;
1/29/99	Wareco Services, Inc.	Admin	UT	Wornson	Negotiating before filing
2/01/99	Con Agra Frozen Foods	Tax Certification	AQ	Preziosi	Negotiating before filing
2/03/99	Super 20 Mobile Home Park	Admin	WS	Tack	Negotiating before filing
2/05/99	West Union Cooperative Co.	Admin	WW	Murphy	Negotiating before filing. Meeting held 2/12/99
2/10/99	Bawden Printing	Permit	AQ	Preziosi	Negotiating before filing
2/23/99	Dennis Sharkey, Sr.	Admin	AQ/SW	Tack	Negotiating before filing
3/01/99	Williamsburg Manufacturing	Admin	AQ	Preziosi	New case
3/01/99	Lund Manufacturing	Admin	AQ	Preziosi	New case
3/04/99	Dayton, City of	Admin	WW	Murphy	New case
3/04/99	Paris & Sons; Thomas Paris	Admin	WW/HC	Wornson	New case
3/08/99	Peter Bockenstedt	Admin	AFO	Clark	New case.



3/08/99	Augustus & Betty Lartius d/b/a Country Terrace	Admin.	WS	Hansen	New case. Sent to DIA 3/30/99.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace	Admin.	WW	Hansen	New Case. Sent to DIA 3/30/99.
3/12/99	Cargill, Inc.	Permit	AQ	Preziosi	New case.
3/16/99	Des Moines Independent School District – North	Site Registry	HC	Tack	New case.
3/22/99	Tiffin, City of	Admin.	WW	Murphy	New case. Letter sent 3/30/99.
3/23/99	Matthew M. Daly	Admin.	AFO	Clark	New case.
3/23/99	Daniel J. Gotto	Admin.	AFO	Clark	New case.
3/31/99	Woolstock, City of	Admin.	WW	Hansen	New case.
3/31/99	Westside Park for Mobile Homes	Admin.	WW	Hansen	New case.

Mr. Valde presented the routine monthly reports.

Discussion followed regarding various items on the Variance Report and the Contested Case Report.

Rozanne King asked about the size of some of the administrative penalties being appealed, noting that some are as low as \$100.

Mr. Murphy explained that the size of the facility has something to do with the penalty as well as the violation itself. He related that his staff are trying to move a number of cases off the list based on the circumstances of the case. He noted that once they are removed the department can still collect some of the money through Revenue and Finance when these individuals are up for an income tax refund.

<b>INFORMATIONAL ONLY</b>
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## **CONTRACT FOR MAINTENANCE AND MINOR ENHANCEMENTS OF SPARS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Iowa Department of Natural Resources, Air Quality Bureau (AQB) and Windsor Technologies, Inc. have just completed development of the State Permitting and Air Reporting System (SPARS) under contract 97-084. SPARS will make it possible for our facility clients to fill out and submit an electronic construction and/or operating permit application via diskette, CD-ROM, e-mail, or ftp.

Over the next couple of months, the Air Quality Bureau will be preparing to distribute SPARS to our facility clients, which we are planning for late Spring or early Summer. The preparations will include getting the production version of SPARS up-and-running and setting up procedures and policies on how to best use the system. This will give all the AQB staff time to become familiar with the system, so they can be prepared to handle questions from other staff and our facility clients.

The Air Quality Bureau has needs that require addressing over the next year:

- As with any new system (and as more people use the SPARS software), we expect bugs/errors to come up now and then that will need to be resolved.
  - On occasion, our construction and operating permit applications require minor changes due to modifications in our rules and/or regulations that will need to be made to SPARS.
  - In addition, our facility clients have given us many suggestions on minor enhancements to make SPARS even better and easier to use.
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Contract 97-084 expired on March 31<sup>st</sup>, 1999, and AQB would like to create a renewal agreement with Windsor Technologies, Inc. for maintenance and minor enhancements to SPARS. Since Windsor Technologies, Inc. developed SPARS, it makes sense to contract with them again to do this work. If we were to ask another contractor to do this work, it would require a substantial amount of time and money for another contractor to get familiar with the SPARS software before even doing maintenance and enhancements to the system. The Air Quality Bureau has been very pleased with Windsor's work in developing the SPARS software and would see it as a major asset to continue utilizing their services.

The cost for a contract with Windsor Technologies, Inc. for one year of maintenance and minor enhancements to SPARS is \$98,444.00.

The Commission is asked to approve the issuance of this contract with Windsor Technologies, Inc. for maintenance and minor enhancements to SPARS.

Mr. Valde briefed the Commission on details of the contract and introduced Pete Hamlin, Bureau Chief, Air Quality Bureau, relating that he will answer questions about the contract.

Chairman Ehm asked how the dollar figure was set.

Mr. Hamlin stated that it was arrived at as a result of negotiations with Windsor in regard to how much time would be involved and things of that nature. He related that Windsor developed a lot of the software for the system and it would be good to be able to turn to them to help work out any glitches.

*Motion was made by Rita Venner to approve the maintenance contract with Windsor Technologies, Inc., as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION--CHAPTER 64, WASTEWATER CONSTRUCTION AND OPERATION PERMITS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action, to begin rule making and to solicit public comment. These amendments were presented to the Commission for information at the March meeting. The proposed rules were written in consultation with an advisory committee consisting of representatives of developers and contractors which met over the past three months. The proposed rules include:

- The clarification of the responsibilities of the permittee and transferee when land within a commercial or residential development is transferred.
- Provisions for exempting the retention of records at construction sites.
- Correction of a typographical error in General Permit No. 2.

The rules are amendments to Chapter 64 to the Department's Wastewater administrative rules.

#### ENVIRONMENTAL PROTECTION COMMISSION Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.103A, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 64, "Wastewater Construction and Operation Permits," Iowa Administrative Code.

Amendments to Chapter 64 clarify storm water general permit requirements regarding the transfer of property on which construction activity is taking place while the property is still covered under the provisions of the storm water permit. These amendments outline the responsibilities of both the permittee and transferee. These amendments also specify the conditions under which a permittee may be exempted from keeping records on the construction site.

A typographical error is also being corrected in General Permit No. 2.

Any interested person may make written suggestions or comments on the proposed rule on or before \_\_\_\_\_, 1999. Written comments should be directed to Storm Water Coordinator, Iowa Department of Natural Resources, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319-0034; fax (515)281-8895.

Also, there will be a public hearing on \_\_\_\_\_, at \_\_\_\_\_ in the \_\_\_\_\_ Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, people will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any people who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code chapter 455B, division I.

The following amendment is proposed.

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ITEM 1. Amend rule 567--64.6(455B) by adding the following new subrule:

64.6(6) Transfer of ownership – construction activity part of a larger common plan of development. For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, in the event a permittee transfers ownership of all or any part of property subject to NPDES General Permit No. 2 both the permittee and transferee shall be responsible for compliance with the provisions of the general permit for that portion of the project which has been transferred including when the transferred property is less than five acres in area from and after the date the department receives written notice of the transfer, provided that:

a. The transferee is notified in writing of the existence and location of the general permit and pollution prevention plan, and of the transferee's duty to comply, and proof of such notice is included with the notice to the department of the transfer.

b. If the transferee agrees, in writing, to become the sole responsible permittee for the property which has been transferred, then the transferee shall be solely responsible for compliance with the provisions of the general permit for the transferred property from and after the date the department receives written notice of the transferee's assumption of responsibility.

ITEM 2. Amend Part II, provision F, of General Permit No. 2, which is adopted by reference in subrule 64.15(2), as follows:

F. TRANSFER OF COVERAGE UNDER THIS PERMIT. For storm water discharge associated with industrial activity for construction activities where ownership changes, the Department must be notified of the title transfer within 30 days. If a storm water discharge associated with industrial activity for construction activities is covered by this general permit, the new owner(s) shall be subject to all terms and conditions of this general permit. A copy of the notice of transfer of title that was sent to the Department shall be included in the pollution prevention plan. For construction activity which is part of a larger common plan of development such as a housing or commercial development project, if a permittee transfers ownership of all or any part of property subject to this permit both the permittee and transferee shall be responsible for compliance with the provisions of this permit for that portion of the project which has been transferred including when the transferred property is less than five acres in area. If the new owner(s) agree in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred, then the existing permittee(s) shall be relieved of responsibility for compliance with this permit for the transferred property, from and after the date the Department receives written notice of transfer of responsibility. A copy of the notice of transfer of responsibility shall be included in the pollution prevention plan.

ITEM 3. Amend Part III, provision B, of General Permit No. 2, which is adopted by reference in subrule 64.15(2), as follows:

B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES. Any owner or operator identified in the pollution prevention plan is subject to the spill notification requirements as specified in 455B.386 of the Iowa Code. Iowa law requires that as soon as possible but not less more than six hours after the onset of a "hazardous condition" the Department and local sheriff's office or the office of the sheriff of the affected county be notified.

ITEM 4. Amend Part V, RETENTION OF RECORDS, provision B, of General Permit No. 2, which is adopted by reference in subrule 64.15(2), as follows:

B. The If there is a construction trailer, shed or other covered structure located on the property the permittee shall retain a copy of the storm water pollution prevention plan required by this permit at the construction site from the date of project initiation to the date of final stabilization. If there is no construction trailer, shed or other covered structure located on the property, the permittee shall retain a copy of the plan at a readily available alternative site approved by the Department and provide it for inspection upon request. If the plan is maintained at an off-site location such as a corporate office, it shall be provided for inspection no later than two business days after being requested.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Paul W. Johnson, Director

Mr. Valde explained details of the rules.

*Motion was made by Rozanne King to approve Notice of Intended Action--Chapter 64, Stormwater Permits (wastewater). Seconded by Terrance Townsend.*

Gary Priebe asked if the rules apply to both commercial and private property.

Mr. Valde stated that a person is required to have a permit if they are developing or disturbing more than five acres, adding that a homeowner would not typically be disturbing more than five acres.

Discussion followed regarding erosion and runoff on development/construction sites, and responsibility of the developer or contractor.

*Vote on Commissioner King's motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACT - NITROGEN MANAGEMENT INSURANCE PROGRAM**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested to enter into a one-year contract for \$70,000 with the Iowa Department of Economic Development (IDED) Foundation to support development of a Nitrogen Management Insurance Program. The IDED Foundation is serving as the contracting

and fiscal agent for the consortium of insurance companies and other entities working to develop the Nitrogen Management Insurance Program.

Contract funds will be used, in conjunction with funding from other agencies and entities, to support the development of 70 to 80 demonstration sites across the state. These demonstration sites will be used to field test the nitrogen management methodologies and determine the adequacy of nitrogen applications. The outcome of this project and the results of the demonstrations will ultimately be utilized to encourage more effective nitrogen use on cropland by producers and result in improved water quality.

This contract will be funded using FY98 EPA Section 319 funds provided to the Department for this project.

Mr. Valde reviewed details of the program noting that the funds will be used to support the development of 70 -80 demonstration sites across the state to study the use of nitrogen.

Discussion followed in regard to the workings of the program.

Rita Venner stated that farmers that have demonstration plots will not be compensated because it is a study. She related that the idea of the insurance plan is that if there is not enough nitrogen to yield the proper crop, they will then be compensated. She stressed that the whole idea is to prevent excess nitrogen in the soil, which will ultimately run into the water. She added that this program is on the right track as Iowa needs this type of program.

*Motion was made by Rita Venner to approve the Nonpoint Source Pollution Project Contract for Nitrogen Management Insurance Program. Seconded by Kathryn Murphy.*

Discussion followed regarding whether this is subsidizing insurance companies by doing this study.

Gary Priebe stated that he has mixed emotions on this as he does not like using the taxpayers money to fund private industry. He distributed copies of an article from Farm Bureau Spokesman entitled "Farmers Falsely Painted as Nonpoint Source Polluters," adding that he thinks it should be found out where the nitrogen is coming from before pointing fingers.

Discussion followed in regard to the funds coming from the DED Foundation and federal funds through Section 319.

*Vote on Commissioner Venner's motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PUBLIC PARTICIPATION**

Chairman Ehm announced Public Participation at 10:35 a.m.; no one present requested to speak.

### **CLEAN WATER STATE REVOLVING FUND INTENDED USE PLAN FY 1999**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

An Intended Use Plan (IUP) for the FY 1999 State Revolving Fund is attached for Commission consideration. The Commission was previously provided with a draft IUP and authorized a public hearing on the draft IUP. The public hearing was held on March 22, 1999 and the comments received and revisions made are addressed in Section IX of the final IUP.

The IUP includes the State Project Priority List, which is the list of projects proposed to receive loan assistance in FY 1999, as well as other general and project-specific information which is required by EPA as a condition of obtaining SRF capitalization grants. Upon Commission approval, an application for the FY 1999 capitalization grant will be submitted to EPA to get a commitment of federal funds which are now available.

(A copy of the Intended Use Plan is on file in the department's Records Center)

Mr. Valde reviewed details of the plan relating that a few minor changes were made as a result of the public hearing.

Rozanne King commented that the last sentence in Paragraph one, on Page 10, does not read well, and that the words "are affected" should be deleted.

Mr. Valde noted that it will be changed.

Discussion followed regarding the federal funds eventually be used up and the fund becoming self sufficient.

*Motion was made by Charlotte Mohr to approve the Clean Water State Revolving Fund - Intended Use Plan for FY 1999. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **NOTICE OF INTENDED ACTION--CHAPTERS 4, 5 AND 6**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached draft Notice of Intended Action to rescind 567-Chapters 4, "Agency Procedure for Rule Making," and 6, "Declaratory Rulings," and adopt new 567 chapters 4, "Agency Procedure for Rule Making," and 6, "Declaratory Orders." This

rulemaking will also make minor changes to 567- Chapter 5, "Petitions for Rulemaking" in order to update addresses within that chapter.

The Commission will be asked to adopt by cross-reference the rulemaking affecting 561-chapters 4, 5, and 6, which will be published in the April 21, 1999, issue of the Iowa Administrative Bulletin.

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~~The purpose of these amendments is to adopt the new uniform procedural rules and to allow the department's rules to conform to the recent changes in the Iowa Administrative Procedure Act, Iowa Code chapter 17A, which are found at 1998 Iowa Acts, chapter 1202 (House File 667).~~

The Department's intention is to adopt the uniform rules or parts thereof as necessary to comply with the changes to the Iowa Administrative Procedure Act. These changes will be made applicable to all parts of the department of Natural Resources, as an umbrella agency, in concurrent or subsequent rulemaking actions. Pursuant to the authority of Iowa Code section 17A.5(2)(b)(1) and 1998 Iowa Acts, chapter 1202, section 46 (House File 667, section 46), these rules are intended to become effective July 1, 1999.

### **NATURAL RESOURCES DEPARTMENT [561] Notice of Intended Action**

Pursuant to the authority of Iowa Code chapter 17A.19 and Iowa Code section 455A.4, the Director of the Department of Natural Resources hereby gives Notice of Intended Action to rescind Chapter 4, "Agency Procedure for Rule Making," and Chapter 6, "Declaratory Rulings," and adopt new Chapter 4, "Agency Procedure for Rule Making," and 6, "Declaratory Orders."

The purpose of these amendments is to adopt the new uniform rules and to allow the Department's rules to conform to the recent changes in the Iowa Administrative Procedure Act, Iowa Code Chapter 17A which are found at 1998 Iowa Acts, chapter 1202 (House File 667).

The Department's intention is to adopt the uniform rules or parts thereof as necessary to comply with the changes to the Iowa Administrative Procedure Act. The Department is an "umbrella" agency and these changes will be made applicable to all parts of this umbrella agency in concurrent or subsequent rulemaking actions by the Director in Energy and Geological Resources [565], by the Environmental Protection Commission [567], by the Natural Resource Commission [571], and by the State Advisory Board for Preserves [575].

This rulemaking will also make minor changes to Chapter 5, "Petitions for Rulemaking," in order to update addresses within the chapter.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 11, 1999. Written comments should be directed to Anne Preziosi, Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Urbandale, Iowa 50322; 515/281-6243; fax 515/242-5094. Requests for a public hearing regarding this rulemaking must be submitted in writing to the above address prior to May 11, 1999.

These rules are intended to implement Iowa Code section 455A.4.



Pursuant to the authority of Iowa Code section 17A.5(2)(b)(1) and 1998 Iowa Acts, chapter 1202, section 46 (House File 667, section 46), these rules will become effective July 1, 1999.

The following amendments are proposed.

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ITEM 1. Rescind 561--Chapter 4, "Agency Procedure for Rule Making," and adopt the following in lieu thereof:

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Insert the agency procedure for rule making segment of the Uniform Administrative Rules which is printed in the first Volume of the Iowa Administrative Code, with the following amendments:

#### CHAPTER 4 AGENCY PROCEDURE FOR RULE MAKING

561—4.3(17A) Public rule making docket. In lieu of the words "commission, board, council, and director" insert "director."

561—4.4(17A) Notice of proposed rule making. In lieu of the words " specify time period" insert "one fiscal year (July 1 to June 30)." Also, add the following new sentence: "Subscriptions must be renewed annually by June 15."

561—4.5(17A) Public participation.

4.5(1)?*Written comments*. In lieu of the words "identify office and address" insert "Compliance and Enforcement Bureau, Environmental Protection Division, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319."

4.5(5)?*Accessibility*. In lieu of the words "identify office and telephone number" insert "Director's Office, Department of Natural Resources, 515/281-5385."

561—4.6(17A) Regulatory analysis.

4.6(2)?*Mailing list*. In lieu of the words "identify office and address" insert "Compliance and Enforcement Bureau, Environmental Protection Division, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319."

561—4.10(17A) Exemptions from public rule-making procedures.

4.10(2)?*Categories exempt*. In lieu of the words "List here narrowly drawn classes of rules where such an exemption is justified and a brief statement of the reasons for exempting each of them," insert "The only narrowly tailored rules at this time are those specified in rule 567--62.2(455B)."

561—4.11(17A) Concise statement of reasons.

4.11(1)?*General.* In lieu of the words "specify the office and address" insert "Compliance and Enforcement Bureau, Environmental Protection Division, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319."

561—4.13(17A) Agency rule making record.

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4.13(2)?*Contents.*

a. In lieu of the words "Copies of" insert "Reference to."

Pursuant to the authority of Iowa Code section 17A.5(2)(b)(1) and 1998 Iowa Acts, chapter 1202, section 46 (House File 667, section 46), these rules will become effective July 1, 1999.

ITEM 2. Rescind 561--Chapter 6, "Declaratory Rulings," and adopt the following in lieu thereof:

Insert the agency procedure for rule making segment of the Uniform Administrative Rules which is printed in the first Volume of the Iowa Administrative Code, with the following amendments:

CHAPTER 6  
DECLARATORY ORDERS

561--6.1(17A) Petition for declaratory order. In lieu of the words "designate agency" insert "Department of Natural Resources." In lieu of the words "designate office" insert "Director's Office, Iowa Department of Natural Resources." In lieu of the words "AGENCY NAME," the heading of the petition should read:

BEFORE THE  
IOWA DEPARTMENT OF NATURAL RESOURCES

561—6.2(17A) Notice of petition. Insert "15" in the phrase "Within \_\_\_\_\_ days (15 or less)." In lieu of the words "designate agency" insert "Department of Natural Resources."

561--6.3(17A) Intervention. Insert "20" in the phrase "who file a petition for intervention within \_\_\_\_\_ days of the filing of a petition for declaratory order" in subrule 6.3(1). In lieu of the words "designate agency" insert "Department of Natural Resources." In lieu of the words "designate office" insert "Director's Office, Iowa Department of Natural Resources." In lieu of the words "AGENCY NAME," the heading of the petition should read:

BEFORE THE  
IOWA DEPARTMENT OF NATURAL RESOURCES

561—6.4(17A) Briefs. The petitioner or any intervenor may file a brief in support of the position urged. The (designate agency) may request a brief from the petitioner, any intervenor, or any other person concerning the questions raised.

561—6.5(17A) Inquiries. In lieu of the words "designate official by full title and address" insert "Bureau Chief, Compliance and Enforcement Bureau, Environmental Protection Division, Iowa Department of Natural Resources, 900 East Grand Avenue, Des Moines, Iowa 50319."

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561--6.6(17A) Service and filing of petitions and other papers. In lieu of the words "specify office and address" insert "Director's Office, Department of Natural Resources." In lieu of the words "agency name" insert "Department of Natural Resources."

561—6.7(17A) Consideration. In lieu of the words "designate agency" insert "Department of Natural Resources."

Add a new paragraph as follows: A ruling, including a refusal to rule, issued by the director is final unless the issue is within the rule-making authority of one of the department's commissions in which case the ruling or refusal is final unless appealed to the commission within ten days of receipt by the petitioner or reviewed by the commission on its own motion. On appeal or review, the commission may:

1. Approve the director's ruling, in which case the ruling becomes the final declaratory ruling of the department, or
2. Reverse or modify the declaratory ruling, in which case the modified ruling becomes the final declaratory ruling of the department, or
3. Request additional information from the petitioner, or
4. Decline to issue a ruling, as specified in rule 6.5(17A).

The commission's ruling or refusal to rule shall be made within a reasonable time and shall be sent by certified mail to the petitioner upon issuance.

561—6.8(17A) Action on petition. In lieu of the words "designate agency head" insert "Director."

561—6.9(17A) Refusal to issue order. In lieu of the words "designate agency" insert "Department of Natural Resources."

561—6.12(17A) Effect of a declaratory order. In lieu of the words "designate agency" insert "Department of Natural Resources."

Pursuant to the authority of Iowa Code section 17A.5(2)(b)(1) and 1998 Iowa Acts, chapter 1202, section 46 (House File 667, section 46), these rules will become effective July 1, 1999.

ITEM 3. Amend rule 5.1 as follows:

561—5.1(17A) Petition for rule making. In lieu of the words "(designate office)", insert "~~Government Liaison Bureau, Coordination and Information Division, Compliance and Enforcement Bureau, Environmental Protection Division,~~ Department of Natural Resources, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, telephone (515)281-8941". Also, in lieu of the words "(AGENCY NAME)", insert "Iowa Department of Natural Resources".

ITEM 4. Amend rule 561--5.3(17A) as follows:  
561—5.3(17A) Inquiries. In lieu of the words "(designate official by full title and address)," insert "~~Government Liaison Bureau, Coordination and Information Division, Bureau Chief, Compliance and Enforcement Bureau, Environmental Protection Division, Department of Natural Resources, Des Moines, Iowa 50319-0034, telephone (515)281-8941~~".

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Date

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Paul W. Johnson, Director

**ENVIRONMENTAL PROTECTION COMMISSION [567]  
Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 17A.3 and 455A.6, the Environmental Protection Commission of the Department of Natural Resources hereby gives Notice of Intended Action to rescind Chapter 4, "Agency Procedure for Rule Making," and Chapter 6, "Declaratory Rulings," and adopt a new Chapters 4, "Agency Procedure for Rule Making," and 6, "Declaratory Orders." This rulemaking will also make minor changes to Chapter 5, "Petitions for Rulemaking," in order to update addresses within that chapter.

The purpose of rescinding and adopting new chapters is to adopt the new uniform procedural rules and to allow the department's rules to conform to the recent changes in the Iowa Administrative Procedure Act, Iowa Code chapter 17A, which are found at 1998 Iowa Acts, chapter 1202 (House File 667). The Department's intention is to adopt the uniform rules or parts thereof as necessary to comply with the changes to the Iowa Administrative Procedure Act.

The proposed action is to adopt by reference the rulemaking affecting 561--Chapters 4, 5, and 6. A Notice of Intended Action in that rulemaking was published as ARC [to be inserted] in the April 21, 1999 Iowa Administrative Bulletin.

These rules are intended to implement Iowa Code sections 17A.3 and 455A.6, and 1998 Iowa Acts, chapter 1202 (House File 667).

Pursuant to the authority of Iowa Code section 17A.5(2)(b)(1) and 1998 Iowa Acts, chapter 1202, section 46 (House File 667, section 46), these rules will become effective July 1, 1999.

The following amendments are proposed.

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**ITEM 1.** Rescind 567--Chapter 4, "Agency Proceeding for Rule Making," and adopt the following in lieu thereof:

**CHAPTER 4  
AGENCY PROCEDURE FOR RULE MAKING**

567--4.1(17A) Adoption by reference. The commission adopts by reference 561--Chapter 4, Iowa Administrative Code.

This rule is intended to implement Iowa Code section 17A.3 and 1998 Iowa Acts, chapter 1202 (House File 667).

**ITEM 2.** Rescind 567--Chapter 5, "Petitions for Rule Making," and adopt the following in lieu thereof:

CHAPTER 5  
PETITIONS FOR RULE MAKING

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567--5.1(17A) Adoption by reference. The commission adopts by reference 561--Chapter 5, Iowa Administrative Code.

This rule is intended to implement Iowa Code section 17A.3 and 1998 Iowa Acts, chapter 1202 (House File 667).

**ITEM 3.** Rescind 567--Chapter 6, "Declaratory Rulings," and adopt the following in lieu thereof:

CHAPTER 6  
DECLARATORY ORDERS

567-6.1(17A) Adoption by reference. The commission adopts by reference 561-Chapter 6, Iowa Administrative Code.

This rule is intended to implement Iowa Code section 17A.3 and 1998 Iowa Acts, chapter 1202 (House File 667).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Paul W. Johnson, Director

Mr. Valde reviewed details of the rules.

William Ehm asked about the correct address for the department and it was noted that is 502 East 9th Street, Des Moines, Iowa 50319.

*Motion was made by Rozanne King to approve the Notice of Intended Action--Chapters 4, 5, and 6, Agency Procedure for Rule Making; Declaratory Orders, with the correction of the department address. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED WITH CORRECTION IN ADDRESS**

**REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

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- a. Harold Unternahrer (Washington County) – animal feeding operation penalty

Mr. Murphy briefed the Commission on this case noting that it involved an overflow of manure from a retention structure which discharged into a creek, and the department is referring for collection of the penalty.

Chairman Ehm commented that the report states he refused to finalize settlement, and he inquired whether Mr. Unternahrer no longer leases the facility.

Mr. Murphy stated that is part of the issue, noting that the department wants language included to state that if Mr. Unternahrer resumes operation he would need to have the necessary controls, and he would not sign that administrative order.

*Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Kathryn Murphy. Motion carried unanimously.*

**REFERRED**

## **TMDL UPDATE**

Lyle Asell, Special Assistant on Agriculture & Environment, and Mike Valde, EPD Division Administrator, presented the following item.

- A TMDL is the sum of waste load analysis (WLA) from point sources and the load analysis (LA) from nonpoint sources and natural background. It is an estimate of the maximum pollutant loadings from all pollution sources that can enter a waterbody and not exceed state water quality standards.
- TMDL's are developed for waters that do not meet, or are not expected to meet water quality standards after the implementation of technology-based controls.
- There are 5 steps in TMDL development
  1. Identification of water-quality impaired waters: the current 303(d) September 1998 draft list in Iowa's 305(b) Nonpoint Source Assessment Report lists 56 waterbodies. EPA has not agreed with the current draft Iowa DNR 303(d) list and contracted with

Tetra-Tech who developed a draft list of 300-350 waterbodies. We currently do not have access to that list. There are two lawsuits and one petition against EPA related to the development of Iowa's TMDL list since it was not developed until recently, and there is disagreement with the current Iowa DNR draft listing.

2. Priority ranking and targeting: Once a water has been identified the state prioritizes the list using established ranking processes; risk to human health, degree of public interest, importance of waterbody, vulnerability, immediate program needs, court orders, national priorities and policies.
  3. TMDL development: must quantify pollutant sources and allocate allowable loads from both point source and NPS to meet WQ standards. TMDL's would be developed on a watershed basis.
  4. Implementation of control actions: Step one is to update the nonpoint source management plan then controls should be implemented to meet WLA and LA.
  5. Assessment of water quality-based control actions: Monitoring is the key component of assessment. If monitoring has not yet begun, control measures and monitoring should be implemented simultaneously.
- TMDL's are now driven by lawsuits. 13 states have been sued and are under court order to establish TMDL's; 16 states (including Iowa) where plaintiffs have filed complaints seeking EPA to establish TMDL's; 5 states have notices of intent to sue. It was noted at the TMDL training session that states don't want a court order to establish TMDL's since it is then out of the control of the state and in the hands of the court.
  - TMDL development will involve public participation to determine what the end result should be and how WLA and LA's are appropriated in the watershed. The process should recognize the lag time from implementation to actual monitoring reduction of the identified pollutant. It should be noted that WQ pollutant credits can be traded in a similar manner of trading carbon credits.

Director Johnson introduced Lyle Asell noting that he came to us from the NRCS. He noted that Mr. Asell has been involved with just about everything associated with agriculture and conservation over his career. Director Johnson related that he asked Mr. Asell to be a Special Assistant for Agriculture and the Environment.

Mr. Valde provided background on Total Maximum Daily Loads (TMDL's) from its implementation in the Clean Water Act of 1972. He discussed water quality standards and related that not much was done about TMDL's until a few years ago when lawsuits from a number of states were brought against EPA to develop TMDL's in the states. Mr. Valde introduced Jack Riessen, Water Quality Bureau, and related that Mr. Riessen will also cover some of these issues.

(Randal Giannetto arrived at this point in the meeting - 11:20 a.m.)

Jack Riessen gave an overhead presentation on TMDL's covering the following topics: State Water Quality Standards (no two states have the same WQS's); Iowa's WQS - Use Designations, Numeric Standards, Narrative Standards, Antidegradation Policy; Waterbody Assessment; Pollution - Point Source vs. Non Point Source; Effluent Limits for Point Sources; Section 303(d), CWA; EPA Rules; The TMDL Process - Monitoring and Assessment ; Calculation & EPA Approval - Implementation of TMDL - Post Implementation Monitoring and Assessment; TMDL Examples; TMDL Calculation; TMDL Issues; Congressional Intent; TMDL Implementation and Verification; TMDL Program Resources: TMDL Federal Advisory Committee; TMDL Lawsuits; and Future Issues.

Lyle Asell reported that staff met with EPA representatives recently. This will be a difficult issue to face, but the ultimate objective is to improve the quality of the water. He related that the department would like to take a more proactive approach in working with the affected people on those watersheds and river basins to put together a plan that will be implementable, but that people will support and will result in improvement in the quality of water.

Chairman Ehm commented that the lawsuit is with EPA and he inquired if the state can join in that lawsuit.

Mr. Valde stated that the Attorney General's Office is considering whether the state should intervene.

Director Johnson stated that the department has also talked to EPA in Kansas City and there is the TMDL process, but the whole idea is to get clean water not to do a lot of paper work, but if the paper work helps to model the problem and target the resources better to solve the problem, that is one thing. He noted that there is a need to move more aggressively in working to put best management practices on to the ground. He added that if it means pulling back from that to go through this process over the next 10 -13 years, maybe another approach would be to put in place a process that would get a good monitoring system in place, and get more citizen involvement in it. Director Johnson related that the question is whether to put effort and money into TMDL's or to get on with best management practices, adding that we will probably have to do a mix of both.

<b>INFORMATIONAL ONLY</b>
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## LEGISLATION UPDATE

Kathleen Moench, Budget and Finance Bureau, presented the following item.

### EPC 1999 Legislative Session Update May 5, 1999

	DNR Bills / Brief Explanation	Comments
HSB64	Toll-Free Pollution Hotline	
SSB102	Repeal 455B.116, the requirement for the Department to establish a Toll-Free Pollution Hotline	



## DEAD

**HF347      BALED SOLID WASTE**

HSB94      Delete language from 455D.9A requiring the department  
SSB1026      to develop rules defining baled solid waste and  
                 identifying proper methods of disposal.

**Passed House 3/1/99, 94-0****Passed Senate 3/25/99, 48-0****Signed by Governor 4/7/99****HE349      PUBLIC WATER SYSTEM SOURCE TESTING**

HSB96      Delete 455B.173.6(b), requiring the department to adopt  
SSB1030      rules requiring public water systems regulated under  
                 chapter 455B to test source waters for synthetic organic  
                 chemicals and pesticides every three years.

**Passed House 3/4/99, 97-0****Passed Senate 4/5/99, 46-0****HF489      INFECTIOUS WASTE**

HSB100      A)      INFECTIOUS      WASTE      MANAGEMENT  
SSB1025      PROGRAM: Delete language from 455B.501 requiring  
                 the department to institute and infectious waste  
                 management

B)      INFECTIOUS MEDICAL WASTE - REGENT  
INCINERATOR EMISSIONS: Repeal 455B.502,  
requiring regents to monitor emissions and meet the  
department emission limitations.

C)      INFECTIOUS WASTE TREATMENT AND  
DISPOSAL FACILITY RULES: Delete language from  
455B.503 requiring the department to develop rules for  
disposal facilities.

D)      INFECTIOUS      MEDICAL      WASTE  
COLLECTION AND TRANSPORT PERMIT RULES:  
Repeal 455B.504 requiring the commission to adopt  
rules, which govern infectious medical waste collection  
and transportation.

**Passed House 3/17/99, 95-0****Passed Senate 4/12/99, 48-0**

This section removed in House – Not part of the bill  
passed.

HSB95      PESTICIDE AND FERTILIZER CONTAMINATED  
SSB1032      SITES

**DEAD**      Repeal 455B.601, the requirement for the Commission  
                 to adopt rules establishing criteria for classification and  
                 prioritization of pesticide and fertilizer contaminated  
                 sites.

No Action. Department has decided not to push this  
Waiting for development of cleanup fund leg. to merge.

HSB55      NET ENERGY MEASUREMENT AND METERING  
SSB109      Section 476, 476.42 would require the use of a metering  
**DEAD**      system by producers of electrical energy which uses as  
                 its fuel either solar, wind, biomass, or hydropower.

No Action. Will need to get support from private group  
ensure passage. Enlisted community action agency.  
Investor-owned utilities have told senate subcommittee  
this requirement will be included in deregulation bill.  
want this as a separate issue, and need to work on  
subcommittee.

Other bills of interest	Comments
HF339      Ag drainage well closure extension Extension of 12/31/99 deadline to 12/31/01	<b>Rep. Mertz, Klemme</b> <b>Passed House 3/16/99, 95-0</b> <b>Passed Senate 4/15/99, 47-0</b>

<b>HF412</b>	<b>Increase # of members of Leopold Center Adv. Board</b> This bill increases the membership of the board to include representatives of agricultural organizations. (Farm Bureau, farmers union, practical farmers, agri bus. Assn)	<b>Ag Committee</b>  Passed House 3/10/99, 97-2 Passed Senate 4/15/99, 46-0
<b>HF442</b>	<b>Cleanup payments from UST fund for Gov Units</b>	<b>Rep. Rants &amp; Rep. Whithead, respectively</b> <b>Passed House 3/15/99, 95-0</b> <b>Passed Senate 4/15/99, 46-0</b> Department does not oppose. No effect on D UST
<del>HF141</del>	<del>Payment from remedial account to governmental entities for cleanup of sites acquired through condemnation, etc, includes restitution from previous landowner.</del>	
<b>HF531</b>	<b>HF2494 deadline extensions</b> Extends certification of commercial manure applicators to July 1, 1999, and certification of confinement site manure applicators to October 1, 1999.	<b>Ag Committee</b> Passed House 3/18/99, 92-0, Passed Senate 4/12/99, 46-0 with amendment Passed House 4/15/99, 92-0 Amend. dealt with making sure HF2494 rules were adopted in timely manner. No longer needed in bill, so removed.
<b>HF636</b> HSB199	<b>Ozone transport</b> Requires DNR to contact Legislature or legislative oversight committee if EPA were to require a state implementation plan for OTAG.	<b>Env. Protection Committee</b> Passed House 3/16/99, 96-0 Passed Senate 4/13/99, 45-0
<b>HF696</b>	<b>NPDES Discharge Point Identification</b> DNR to consult with municipalities & NPDES holders regarding identification of discharge sites	<b>Sen. Bolkcom</b> Passed House 3/23/99, 90-4 Passed Senate 4/15/99, 47-0 with amendment
<b>HF746</b>	<b>Ag &amp; Natural Resources Appropriations Bill</b>	Passed House 4/6/99, 57-41
<b>SF466</b> SF299 SF452	<b>Pesticide/Fertilizer Remediation Fund</b> Development of board and a fund in IDALS to provide assistance to ag & chemical contaminated sites. New board would develop standards for cleanup and determination of level of cleanup necessary.	<b>Sen. Sexton</b> Passed Senate Ag Committee 3/11/99 Passed Senate Ways & Means 4/1/99
<b>HF36</b> DEAD	<b>Violation Disclosure to DNR</b> Require that DNR apps. under chapter 455B include language that discloses adm., civil and criminal enforcement actions taken against the applicant for the previous five years. DNR could deny apps if applicant met habitual violator provisions.	<b>Rep. Chapman's bill</b> Department does not oppose, and has worked with Chapman and Bradley on an amendment to clarify word Subcommittee assigned, no action.
<b>HF37</b> DEAD	<b>Expansion of Bottle Bill</b> Expands bill to include non-carbonated drinks, increases nickel deposit to dime, and increases the 1 cent retailer payment 2 cents.	<b>Rep. Burnett</b> Department does not oppose. Subcommittee assigned, action.

HF131 DEAD	AFO Permits and county siting boards Establishes a county siting board, which has 30 days to review swine applications. Within that 30 days, the siting board would have authority to deny permit. Takes appeals process away from EPC and vest it in new Appeals Board. Would formalize AACO through 2005.	Rep. Gipp Department position unknown. No subcommittee assign
HF151  <b>DEAD</b>	Cleanup payments from UST fund for Gov Units Payment from remedial account to governmental entities for cleanup of sites acquired through condemnation, etc.	Rep. Rants & Rep. Whithead, respectively  Department does not oppose. No effect on D UST Board is currently reviewing. No act taken
HF196 DEAD	Tax Exemption on Pollution Control Equipment Expands existing law to require equipment to control AND abate pollution, rather than one or the other, and requires point source pollution tax exempted equipment to reduce toxicity, odor, or other pollution control measures.	Rep. Witt Department does not oppose. Not sure that this w change our current program. DNR does not actively c these sites for compliance. Owner sends in certifica form. No action taken
HF216 DEAD	Time Extensions for HF2494 Extends commercial applicator certification to 7/1/99 and confinement site applicator certification to 10/1/99.	Rep. Weigel DNR in favor. No action taken.
HF219 SF64 DEAD	Local Siting Control of AFO's less than 300,000 pounds live weight. Amends provisions of current law to allow county to adopt a siting ordinance and respective commission for swine operations more than 300K pound live weight.	Rep. Scherrman & Frevert, Sen. Kibbie  Department position unknown. EPD has objection to this bill.
<b>HF618</b> HF226 SF103 DEAD	<b>Establish On-Site Sewage Disp Revolving Loan Fund</b> Loans available to counties, rural water districts and councils of governments for renovation or replacement of rural resident on-site disposal systems.	<b>Rep. Dolecheck &amp; Richardson, Sen. Angelo</b> <b>Passed House Env. Committee 3/4/99</b> Department has agreed to pursue this progr with approval of EPA without legislation.
SF6 DEAD	Tax Exemption on Pollution Control Equipment Removes property used for care and feeding of livestock from eligible exemption.	Sen. Kibbie <b>Passed Senate Ways &amp; Means 3/9/99</b> Department is neutral. No action taken.
SF18 DEAD	Energy Performance Contracting with Schools Amend Iowa Code to provide a specific methodology for schools to enter into guaranteed energy/dollar saving projects.	Sen. Angelo Department is neutral, but not in favor. With reservati this bill did not pass senate last year. Stopped after sc associations concerns were not answered. Such as, school districts enter into this type of agreement wit going through the competitive bid process. Also, definition of an energy conservation measure does include renewables. No action taken.

SF60 DEAD	Annual Environmental Violations Report The department would be required to report the following: 1. hazardous conditions reported to the department. 2. status of enforce actions taken previous calendar year. 3. summary of admin penalties due to the department or appealed, all penalties due to department or appealed from cases referred to the AG's, and all penalties paid during the previous calendar year. 4. status of all pending cases referred to the AG office 5. status of all pending contested cases.	Fink <b>Passed Senate NR&amp;E</b>
SF253 DEAD	Property Contaminant Statement Bill repeals requirement for contaminant statement to be filed with county recorders and DNR	NR&E Committee Passed Senate 3/30/99, 33-17
SF322 DEAD	Ban of unformed manure storage structures Bill would ban any new earthen lagoons from the state. Would not eliminate existing earthen lagoons.	<b>Sen. Kibbie</b> <b>Passed Senate NR&amp;E Committee 3/11/99</b>
SF400 SSB1090 DEAD	10% Ethanol Mandate Would require all gasoline sold in state to be blended with 10% ethanol and remove the state 1 cent tax.	Corn Promotion Board Passed Senate NR&E Committee 3/9/99 Department favors bill. Likely to go to interim committee

Ms. Moench reviewed the status of each of the above listed bills to date.

Chairman Ehm asked about the water monitoring appropriations.

Ms. Moench stated that the Infrastructure Committee will meet at 1:30 p.m. today and will discuss getting a draft bill and included in it is still one million dollars for monitoring.

Director Johnson stated there is also 7 FTE's included in the ag appropriation of Natural Resources to do water monitoring.

<b>INFORMATIONAL ONLY</b>
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### **PRESENTATION OF PLAQUE TO CHARLOTTE MOHR AND DEAN MCWILLIAMS**

Director Johnson presented a plaque to Dean McWilliams in appreciation for his work on the Commission over the past three years.

Dean McWilliams expressed his enjoyment in working with the department staff and the Commissioners, and related that he appreciated the opportunity to serve as liaison to the Leopold Board.

April 1999

## Environmental Protection Commission Minutes

Director Johnson presented Charlotte Mohr with a plaque of appreciation for 18 years of dedication to the Environmental Protection Commission and previous commission's. He expressed thanks to Charlotte for all of her hard work and dedication to the Commission.

~~Charlotte Mohr stated that it has been a real challenge and she appreciated working with the Commission and staff. She related that the Commission's work is not done, but a lot has been done and she has enjoyed every bit of it.~~

Chairman Ehm presented Charlotte with a gift from the Commission and Rita Venner provided a farewell cake.

Charlotte Mohr stated that it has been a real challenge and she appreciated working with the Commission and staff. She related that the work of the Commission is not done yet, but a lot has been done and she enjoyed every bit of it.

### GENERAL DISCUSSION

Mike Valde stated that an appeal was filed by Sioux County regarding an ag dairy construction permit and the Commission has to hear the appeal within 35 days. He related that the Commission will have to render a decision at the next meeting.

### NEXT MEETING DATES


May 17, 1999

June 21, 1999

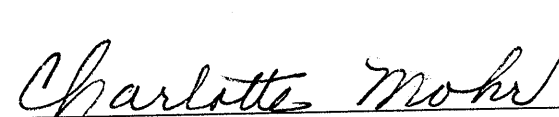
July 19, 1999

### ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 1:15 p.m., Monday, April 19, 1999.

  
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Paul W. Johnson, Director

  
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William Ehm, Chair

  
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Charlotte Mohr, Secretary

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